

EXHIBIT B

Part 2

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LEILA GREEN LITTLE, ET *
AL., *
*
PLAINTIFFS, *
* CIVIL ACTION NO.
VS. * 1:22-CV-00424-RP
*
LLANO COUNTY, ET AL., *
*
DEFENDANTS *

ORAL AND VIDEOTAPED DEPOSITION OF
AMBER MILUM
JUNE 28, 2022
(REPORTED REMOTELY)

ORAL AND VIDEOTAPED DEPOSITION OF AMBER
MILUM, produced as a witness at the instance of the
PLAINTIFF(S), and duly sworn, was taken in the
above-styled and numbered cause on JUNE 28, 2022,
from 9:14 A.M. to 1:19 P.M., before AMY PRIGMORE,
CSR, in and for the State of Texas, reported by
stenographic means, at the offices of THE WITNESS,
Llano, Texas, pursuant to the Federal Rules of
Civil Procedure, the First Emergency Order
Regarding the COVID-19 State of Disaster, and the
provisions stated on the record or attached hereto.

A P P E A R A N C E S

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(REMOTELY)

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1 ALSO PRESENT (REMOTELY) :

Austin Redcay, Videographer

2 Taleaka Yates

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P R O C E E D I N G S

* * *

THE VIDEOGRAPHER: We are on the 09:14:13
record at 9:14 a.m. This begins the video recorded 09:14:33
deposition of Amber Milum, taken in the matter of 09:14:37
Leila Green Little, et al, versus Llano County, et 09:14:42
al. 09:14:47

This deposition is being held 09:14:48
remotely. My name Austin Redcay, and I'm the 09:14:49
videographer. The court reporter is Amy Prigmore, 09:14:53
both of us representing Veritext. 09:14:55

Will counsel please introduce 09:14:57
themselves for the record, after which the reporter 09:14:59
will swear in the witness. 09:15:01

MR. GHOSH: My name is Pratik Ghosh. 09:15:02
That is P-R-A-T-I-K, G-H-O-S-H, of the law firm of 09:15:04
Braun Hagey & Borden, on behalf of Plaintiffs. 09:15:10

MR. ROGERS: My name is Dwain 09:15:13
Rogers, D-W-A-I-N, R-O-G-E-R-S, Llano County 09:15:14
attorney, representing the County and Amber Milum. 09:15:18

MR. MITCHELL: Jonathan Mitchell, 09:15:23
J-O-N-A-T-H-A-N, M-I-T-C-H-E-L-L, of Mitchell Law, 09:15:26
LLC, representing the County and Amber Milum. 09:15:33

AMBER MILUM,
having been first duly sworn, testified as follows:

EXAMINATION

BY MR. GHOSH:

Q. Great. So, just to get started, good morning. I don't want to butcher any pronunciation, so would you mind -- would you mind just stating your name for the record?

A. Amber Milum.

Q. Great. My name is Pratik Ghosh, with Braun Hagey & Borden. I represent Plaintiffs in this action. I'll be taking your deposition today.

Have you ever had your deposition taken before?

A. No.

MR. GHOSH: I actually do want to just pause very briefly.

Would -- would you mind sending me the -- the live text link, Amy or Austin, for the realtime?

THE VIDEOGRAPHER: Sure. Hang on. You're asking for the meeting link?

THE REPORTER: Would you like to go off the record to do this?

MR. GHOSH: Yes, please.

THE VIDEOGRAPHER: Going off the record at 9:16.

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1 (Break.) 09:18:54

2 THE VIDEOGRAPHER: We are on the 09:18:54

3 record at 9:18. 09:18:58

4 Q. (BY MR. GHOSH) Sorry about that, Ms. Milum. 09:19:00

5 So I just wanted to ask that one more time. 09:19:04

6 Have you ever had your deposition taken 09:19:07

7 before? 09:19:08

8 A. No. 09:19:08

9 Q. Okay. I just wanted to go over a few, you 09:19:09

10 know, rules of the road. It's a little bit unusual 09:19:12

11 sort of conversation we're going to be having 09:19:15

12 today. 09:19:18

13 So even though you -- we're appearing 09:19:18

14 virtually, for the oath that you swore, all your 09:19:20

15 answers have to be completely true, just as -- you 09:19:22

16 know, as they would if you were in a court. 09:19:25

17 Do you understand that? 09:19:28

18 A. Yes. 09:19:28

19 Q. We have a court reporter here, who is taking 09:19:28

20 a verbatim transcript of everything we say. In 09:19:31

21 order for that transcript to be accurate, your 09:19:34

22 answers need to be verbal, meaning, you know, no 09:19:36

23 shaking your head. 09:19:39

24 Do you understand that? 09:19:40

25 A. Yes. 09:19:40

1 Q. If you don't understand any question, please 09:19:40
2 let me know, and I'll rephrase. 09:19:46
3 Do you understand that? 09:19:48
4 A. Yes. 09:19:48
5 Q. Is there any reason why you're unable to 09:19:48
6 give complete and truthful answers today? 09:19:52
7 A. No. 09:19:54
8 Q. Are you on any medications that would impede 09:19:54
9 your ability to testify truthfully today? 09:19:56
10 A. No. 09:19:57
11 Q. You're free to take a break at any time, 09:19:58
12 just let us know, unless there's a question 09:20:01
13 pending. 09:20:03
14 Do you understand that? 09:20:03
15 A. Yes. 09:20:04
16 Q. Okay. From time to time, your counsel may 09:20:04
17 state objections. But unless your counsel 09:20:08
18 instructs you not to answer a question, you're -- 09:20:10
19 you're supposed to answer the questions. 09:20:13
20 Do you understand that? 09:20:17
21 A. Yes. 09:20:17
22 Q. Great. Do you have any materials with you 09:20:17
23 now, to help you prepare, you know, or refresh your 09:20:21
24 recollection, for this deposition? 09:20:23
25 A. No. 09:20:24

1 Q. Okay. Did you do anything to prepare for 09:20:25
2 this deposition? 09:20:29

3 A. (Witness shakes head.) 09:20:29

4 Q. Okay. I -- just one more time, we're just 09:20:35
5 going to need verbal -- verbal answers. 09:20:38

6 A. Yes. 09:20:39

7 Q. Okay. What did you do to prepare for this 09:20:41
8 deposition? 09:20:45

9 MR. ROGERS: I'm going to object to 09:20:46
10 the extent this might impinge on attorney-client 09:20:47
11 privilege. 09:20:50

12 But go ahead and answer, Ms. Milum. 09:20:50

13 A. I spoke to my lawyers, and went over notes. 09:20:53

14 Q. (BY MR. GHOSH) And who are your lawyers? 09:20:57

15 A. Dwain Rogers, Matt, Landon, and Jonathan. 09:21:00

16 Q. And by Landon, are you referring to Landon 09:21:08
17 Wade? 09:21:18

18 A. Yes. 09:21:18

19 Q. Okay. Does Mr. -- does Mr. Wade, and his 09:21:18
20 office, do they represent you in this action right 09:21:22
21 now? 09:21:24

22 A. I'm not quite sure exactly. 09:21:24

23 Q. Okay. Okay. I'm going to just put up a 09:21:30
24 document that's just marked as No. 1, on the zip, 09:21:41
25 but I'm going to put it up by your screen. Let me 09:21:44

1 know if you can see it. And, if so, that would be 09:21:47
2 great. 09:21:53
3 Are you able to see this document, 09:21:53
4 Ms. Milum? 09:21:56
5 A. Yes. 09:21:56
6 Q. Okay. Do you recognize this document? 09:21:56
7 A. No. 09:22:00
8 Q. Has -- has your lawyer -- have they showed 09:22:11
9 you any documents related to this litigation? 09:22:21
10 A. I've received some in the mail. 09:22:24
11 Q. Okay. And which -- which documents have you 09:22:27
12 received in the mail? 09:22:29
13 A. Some that look like this, but I don't 09:22:30
14 believe I've seen this one. 09:22:35
15 Q. Okay. Got that. 09:22:36
16 This is just marked as No. 2. We'll be 09:22:46
17 introducing this as Exhibit 1. 09:22:49
18 (Exhibit 1 is marked.) 09:22:52
19 Q. (BY MR. GHOSH) Is this one of the documents 09:22:53
20 that you did see, in the mail, what's called the -- 09:22:54
21 the complaint? 09:22:59
22 A. If it was one of the first ones, I believe 09:23:14
23 so. 09:23:17
24 Q. Okay. Do you understand what this lawsuit 09:23:17
25 is about? 09:23:23

1 A. Yes. 09:23:24

2 Q. And -- and what is your understanding? 09:23:26

3 A. That a few people want different things than 09:23:29

4 the rest of the community. 09:23:36

5 Q. Okay. And -- and when you say different 09:23:37

6 things, would you mind expanding on that just a 09:23:48

7 little bit? 09:23:50

8 A. They wanted OverDrive, instead of a 09:23:51

9 different service. And they want certain books to 09:24:02

10 stay in the library. 09:24:09

11 Q. Can you just briefly describe your 09:24:11

12 educational background? 09:24:24

13 A. I went to Llano High School, graduated, and 09:24:24

14 that's -- that's it. I didn't go to college. 09:24:32

15 Q. Okay. Do you have any licenses or 09:24:34

16 specialization, related to your job? 09:24:39

17 A. I have continuing education credits. 09:24:41

18 Q. And what is your -- what is your current 09:24:43

19 title? 09:24:49

20 A. Llano County Library System director. 09:24:49

21 Q. And how long have you held that title for? 09:24:53

22 A. For the whole system, a little over a year. 09:24:57

23 Q. And what were you doing, you know, prior 09:25:00

24 to -- prior to this year? 09:25:04

25 A. I was the Kingsland Library director. 09:25:05

1 Q. And how long did you hold that position for? 09:25:09
2 A. About four years. 09:25:11
3 Q. Okay. And prior to that? 09:25:16
4 A. I was part-time with the Kingsland Library. 09:25:20
5 Q. Okay. And how long were you part-time at 09:25:25
6 the Kingsland Library? 09:25:28
7 A. About four years. 09:25:31
8 Q. Okay. So, for nearly a decade, you -- 09:25:39
9 you've been working as a librarian, in some context 09:25:42
10 or capacity. 09:25:46
11 Is that right? 09:25:47
12 A. Yes. 09:25:47
13 Q. I just want to show you a document we're 09:25:48
14 going to be introducing as Exhibit 2. 09:25:53
15 (Exhibit 2 is marked.) 09:25:56
16 Q. (BY MR. GHOSH) So, if you would mind just 09:26:05
17 taking, you know, a minute or two, to review, you 09:26:07
18 know, the full text of this document. 09:26:10
19 If you can't read it, just let me know. I'm 09:26:12
20 happy to zoom in. But once you're done reading it, 09:26:19
21 if you wouldn't mind letting me know if you 09:26:24
22 recognize the document. 09:26:25
23 (The witness peruses the document.) 09:26:26
24 MR. GHOSH: And, Counsel, just to 09:26:31
25 let you know, this is marked as No. 22, in the zip 09:26:32

1 file. The Bates number it was produced at is 09:26:35
2 County 2RFP-00031. 09:26:38
3 (The witness peruses the document.) 09:26:53
4 A. Okay. 09:27:25
5 Q. (BY MR. GHOSH) I'll just restate the 09:27:26
6 question. 09:27:28
7 Do you recognize this e-mail? 09:27:28
8 A. Yes. 09:27:29
9 Q. Okay. And this is a January 28, 2022, 09:27:29
10 e-mail, from yourself, to Mr. Ron Cunningham, 09:27:32
11 Mr. Dwain Rogers. 09:27:38
12 Is that correct? 09:27:40
13 A. Yes. 09:27:40
14 Q. And who -- who is Mr. Ron Cunningham? 09:27:41
15 A. The county judge. 09:27:47
16 Q. Does he -- is he your supervisor? 09:27:48
17 A. Yes. 09:27:55
18 Q. Besides Mr. Cunningham, do you report to 09:27:56
19 anybody else? 09:28:00
20 A. Commissioners Court. 09:28:01
21 Q. To -- okay. So you report to the 09:28:04
22 Commissioners, Mr. Cunningham. 09:28:07
23 Anybody other than those individuals? 09:28:08
24 A. No. 09:28:10
25 Q. In this e-mail, you state, and I quote: I 09:28:10

1 have been trained in collection management, and 09:28:19
2 development. I am learning the existing 09:28:20
3 collections gaps and needs at Llano. I have also 09:28:22
4 taken continuing education classes on collection 09:28:27
5 development basics. There should not be an issue 09:28:31
6 with trusting me to purchase books, or the staff, 09:28:33
7 to recommend books. 09:28:36

8 What was the context in which you made this 09:28:38
9 statement? 09:28:43

10 A. There was a lot of gossip that the staff and 09:28:43
11 I were hearing, and I was letting the Judge know 09:28:55
12 that we -- we are trained in what we -- what we are 09:29:06
13 doing. 09:29:09

14 Q. And part of that training is your ten years 09:29:09
15 of experience as a librarian. 09:29:12

16 Isn't that correct? 09:29:15

17 A. Yes. 09:29:16

18 Q. Are you the senior-most decision maker at 09:29:17
19 the Llano County Library System? 09:29:25

20 A. Yes. 09:29:27

21 Q. Okay. So when it comes to adding books to, 09:29:27
22 you know, the collection, are you sort of the last 09:29:32
23 word? 09:29:35

24 A. Yes. 09:29:35

25 Q. When it comes to removing, you know, books 09:29:38

1 from the collection, are you the ultimate decision 09:29:41
2 maker? 09:29:43
3 A. Ultimately, yes. 09:29:43
4 Q. What are some of your -- you know, besides 09:29:55
5 adding and removing books from the library, what 09:29:59
6 are some of your other job responsibilities? 09:30:01
7 A. The staff schedules, making sure everyone is 09:30:07
8 doing what they're supposed to be doing, where 09:30:14
9 they're at. 09:30:16
10 Q. Okay. I -- 09:30:22
11 A. The -- 09:30:22
12 Q. Oh, sorry. Go ahead. 09:30:23
13 A. I was just going to say the collection 09:30:23
14 development, you know, researching. 09:30:26
15 Q. Okay. Just in general terms, sort of an 09:30:28
16 estimate, what would -- which tasks, you know, that 09:30:34
17 you've just described, takes the majority of your 09:30:38
18 time, as the library director? 09:30:40
19 A. Probably the -- the researching books. 09:30:41
20 Q. Got it. Are you familiar with the term, 09:30:51
21 weeding books? 09:30:59
22 A. Yes. 09:31:00
23 Q. Okay. And what does that term mean? 09:31:00
24 A. It is the process that librarians go through 09:31:03
25 to remove books from their systems that aren't 09:31:09

1 getting checked out, or that are damaged. 09:31:16

2 Q. Okay. And are you responsible for weeding 09:31:18

3 books at the Llano County Library System? 09:31:23

4 A. Yes. 09:31:25

5 Q. Okay. Other than yourself, is anybody else 09:31:25

6 involved with weeding books? 09:31:28

7 A. Yes. 09:31:31

8 Q. Okay. How many individuals would you say 09:31:32

9 are involved with the Llano County Library System, 09:31:39

10 with regards to weeding books? 09:31:41

11 A. Well, I have three staff, so they -- they 09:31:45

12 all would. Every -- every staff member is trained 09:31:47

13 in what to look for. 09:31:51

14 Q. Okay. And you say you have three staff. 09:31:52

15 Are those three full-time librarians that 09:31:56

16 work for you? 09:31:58

17 A. It's one full-time, two part-time. 09:31:59

18 Q. Okay. And what are the names of those 09:32:00

19 librarians? 09:32:12

20 A. Tina Castelan, Miriam Bailey, and Richard 09:32:12

21 Lelle. 09:32:24

22 Q. If you wouldn't mind just spelling the last 09:32:24

23 name of Richard. 09:32:29

24 A. L-E-L-L-E. 09:32:29

25 Q. So -- so these three individuals assist you 09:32:32

1 in -- in weeding books. 09:32:39

2 Is that correct? 09:32:40

3 A. At the Llano library, yes. 09:32:41

4 Q. Okay. Oh, so these three individuals 09:32:45

5 only -- these are the -- these are folks that only 09:32:50

6 work at the Llano Branch. 09:32:51

7 Is that right? 09:32:52

8 A. Yes. 09:32:53

9 Q. Okay. And are there other individuals that 09:32:53

10 then work at the Kingsland -- at the Kingsland 09:32:55

11 Branch? 09:32:59

12 A. Yes. 09:32:59

13 Q. And is there a third branch as well? 09:32:59

14 A. Yes. Lakeshore. 09:33:01

15 Q. Okay. How many librarians do you have 09:33:02

16 working for you at the Kingsland Branch? 09:33:05

17 A. Two. 09:33:09

18 Q. And what are their names? 09:33:09

19 A. April Puryear, P-U-R-Y-E-A-R, and Jennifer 09:33:11

20 Kormish. 09:33:17

21 Q. And how about the -- you said lake view is 09:33:19

22 the third branch? 09:33:24

23 A. Lakeshore. 09:33:26

24 Q. Lakeshore. I'm sorry. 09:33:28

25 And how many librarians do you have working 09:33:30

1 for you at the Lakeshore Branch? 09:33:31

2 A. Two. 09:33:33

3 Q. And what are their names? 09:33:33

4 A. Melissa Macdougall and Linda Wallen. 09:33:35

5 Q. If you would just pronounce -- sorry, spell 09:33:40

6 Wallen for me. 09:33:46

7 A. W-A-L-L-E-N. 09:33:47

8 Q. Okay. So, across the system, there are 09:33:49

9 seven librarians that work for you, that report to 09:33:57

10 you. 09:33:59

11 Is that correct? 09:33:59

12 A. Yes. 09:34:00

13 Q. Okay. And these librarians, amongst other 09:34:01

14 things, are involved in helping you select books, 09:34:05

15 remove books, and weed books. 09:34:10

16 Is that right? 09:34:12

17 A. Yes. 09:34:12

18 Q. I'm going to pull up what's been labeled as 09:34:13

19 No. 4, in the zip. And if my math is right, which 09:34:21

20 it sometimes isn't, but I think this will be 09:34:28

21 Exhibit No. 3. 09:34:30

22 (Exhibit 3 is marked.) 09:34:31

23 Q. (BY MR. GHOSH) One second, let me just 09:34:38

24 share my screen, so we have it up. 09:34:40

25 Are you able to see the document? 09:34:44

1 A. Yes. 09:34:45

2 Q. Great. This is a -- this is a long sort of 09:34:45

3 compilation that, you know, we've put together. 09:34:51

4 We're not going to be talking about the whole 09:34:53

5 document, all at once. 09:34:55

6 And when I do, you know, ask you to talk 09:34:59

7 about a discrete document, I'm going to give you 09:35:02

8 the opportunity to review that whole document. 09:35:08

9 Do you understand that? 09:35:10

10 A. Yes. 09:35:10

11 Q. Okay. So I'm just going to start with 09:35:11

12 what's been Bates-labeled as page 503. The title 09:35:12

13 of this document, Ms. Milum, is the CREW method 09:35:16

14 weeding chart. 09:35:20

15 Do you recognize this document? 09:35:20

16 A. Yes. 09:35:22

17 Q. Okay. And what is the CREW method weeding 09:35:22

18 chart? 09:35:27

19 A. It is guidelines for weeding your 09:35:27

20 non-fiction, yes. 09:35:35

21 Q. Okay. And I'll see at the bottom here, 09:35:42

22 there is -- let's see if I can't zoom in. There is 09:35:50

23 an acronym, M-U-S-T-I-E. 09:35:56

24 Are you familiar with that acronym? 09:36:03

25 A. Yes. 09:36:04

1 Q. There is an acronym, W-O-R-S-T, with the 09:36:04
2 word, WORST. 09:36:09
3 Are you familiar with that acronym? 09:36:10
4 A. Yes. 09:36:11
5 Q. And -- and what's the purpose of these two 09:36:12
6 acronyms? 09:36:14
7 A. An easier way to remember what to look 09:36:14
8 for -- 09:36:18
9 Q. Okay. 09:36:19
10 A. -- when you're weeding. 09:36:19
11 Q. And so, M-U-S-T-I-E stands for, misleading, 09:36:20
12 ugly, superseded by new additions or better books, 09:36:25
13 trivial, irrelevant to school community needs and 09:36:31
14 interests, easily obtained elsewhere via 09:36:35
15 interlibrary loan. 09:36:39
16 Did I get that right? 09:36:40
17 A. Yes. 09:36:41
18 Q. Okay. WORST stands for worn out, out of 09:36:41
19 date, rarely used, central office/borough can 09:36:44
20 supply, trivial. 09:36:48
21 Did I get that right? 09:36:50
22 A. Yes. 09:36:51
23 Q. Okay. So, the -- the CREW method, and, you 09:36:51
24 know, these sort of acronyms, to sort of help you 09:36:59
25 remember, are these what you would consider the 09:37:02

1 standard that you've been trained in, when weeding 09:37:04
2 books? 09:37:08
3 A. Yes. 09:37:09
4 Q. Okay. Would you describe this as a neutral 09:37:09
5 standard? 09:37:23
6 A. Yes. 09:37:24
7 Q. Okay. Is it your typical or usual practice 09:37:24
8 to remove a book, when you don't disagree -- when 09:37:27
9 you disagree with it? 09:37:30
10 A. Could you repeat that? 09:37:31
11 Q. Sure. Is it your typical practice to remove 09:37:34
12 a book, or weed a book, when you disagree with the 09:37:37
13 content? 09:37:41
14 A. No. 09:37:41
15 MR. ROGERS: Objection; assumes 09:37:43
16 facts not in evidence. 09:37:44
17 But go ahead. 09:37:45
18 Q. (BY MR. GHOSH) I just want to move on to 09:37:53
19 the next page here. It's -- it's Bates stamped as 09:37:54
20 Milum 4 RFP 00504. 09:37:57
21 I'm just going to give you, you know, a 09:38:03
22 minute to -- to take a look at this document. Why 09:38:04
23 don't you let me know once -- once you've done 09:38:07
24 that. 09:38:08
25 (The witness peruses the document.) 09:38:20

1 A. Okay. 09:38:21

2 Q. (BY MR. GHOSH) Do you recognize this 09:38:22

3 document? 09:38:22

4 A. Yes. 09:38:23

5 Q. And -- and what is this document? 09:38:23

6 A. This is parts of what I was working on, for 09:38:26

7 an updated materials collection policy. 09:38:33

8 Q. Okay. Is there a completed version of your 09:38:36

9 updated materials collection policy? 09:38:44

10 A. No. 09:38:45

11 Q. Okay. Is that something you're still 09:38:46

12 working on? 09:38:52

13 A. Yes. 09:38:52

14 Q. Okay. Do you expect to be -- do you expect 09:38:53

15 that to be complete in the near future? 09:38:56

16 A. No. 09:38:58

17 Q. I just want to direct your attention to the 09:39:01

18 section at the bottom of this page here that says, 09:39:15

19 collection maintenance; specifically, the part that 09:39:17

20 says, and I'm quoting: The Llano County Library 09:39:19

21 System subscribes to CREW, Continuous Review 09:39:23

22 Evaluation and Weeding method, when weeding the 09:39:27

23 library collection. The CREW method uses an 09:39:30

24 acronym, MUSTIE, to indicate when items should be 09:39:32

25 removed from the collection. 09:39:36

1 And then it goes on to -- to describe 09:39:37

2 MUSTIE. 09:39:39

3 Do -- do you see where it says that? 09:39:41

4 A. Yes. 09:39:42

5 Q. Directly under that, it says: Decisions are 09:39:42

6 based on some combination of these criteria; that 09:39:46

7 is, an item will probably not be discarded based on 09:39:48

8 meeting only one of these criteria. 09:39:52

9 Do you agree with that statement? 09:39:54

10 A. Yes. 09:39:56

11 Q. Then it goes on to say: Other criteria that 09:40:02

12 might also be considered include age, condition, 09:40:10

13 frequency of use/circulation, multiple -- multiple 09:40:13

14 copies, and currency/accuracy. 09:40:17

15 Do you agree with that sentence? 09:40:20

16 A. Yes. 09:40:22

17 Q. Okay. Within the -- the CREW weeding 09:40:23

18 method, is there any principle that states that 09:40:34

19 librarians should remove books that they disagree 09:40:40

20 with? 09:40:44

21 A. I'm sorry. Repeat that again. 09:40:45

22 Q. Sure. Within the CREW review method, are 09:40:48

23 there any principles that state that librarians 09:40:55

24 should remove books that they disagree with? 09:40:59

25 A. No. 09:41:01

1 Q. Now, this is where it may be helpful for you 09:41:01
2 to have this document open. The next sort of 09:41:08
3 document in this series that starts at -- just the 09:41:11
4 next page, it should be, Bates number 505, is 09:41:15
5 this -- is this PowerPoint presentation, with 09:41:20
6 the -- I'm going to guess that's a tiger, but I'm 09:41:22
7 not a -- an animal expert. 09:41:26

8 Are you familiar with this -- this 09:41:28
9 PowerPoint? 09:41:31

10 A. No. 09:41:32

11 Q. Okay. You haven't seen this PowerPoint at 09:41:32
12 any point? 09:41:41

13 A. No. 09:41:42

14 Q. Okay. Did you train your librarians in the 09:41:42
15 CREW method? 09:41:48

16 A. No. They were here before me. I guess I've 09:41:48
17 trained two. 09:42:04

18 Q. And which two have you trained? 09:42:05

19 A. Miriam and Richard. We've been working on 09:42:07
20 it. 09:42:13

21 Q. Got it. And -- and those are the two 09:42:17
22 part-time employees at the Llano Branch, right? 09:42:19

23 A. Yes. 09:42:22

24 Q. Got it. Do you know who Dawn Vogler is? 09:42:22

25 A. No. 09:42:29

1 Q. Okay. Do you keep usage statistics on all 09:42:30
2 books in the Llano County Library System? 09:42:49
3 A. Yes. 09:42:52
4 Q. So you know how often a book has been 09:42:52
5 checked out. 09:42:58
6 Is that right? 09:42:59
7 A. Yes. 09:42:59
8 Q. In and around November of last year, 09:42:59
9 November of 2021, were you and the other librarians 09:43:16
10 tasked with removing certain books that community 09:43:22
11 members found offensive? 09:43:26
12 MR. ROGERS: Objection; assumes 09:43:30
13 facts not in evidence. 09:43:31
14 Go ahead. 09:43:33
15 A. No. 09:43:34
16 Q. (BY MR. GHOSH) Okay. I'm putting up on the 09:43:39
17 screen what'll be Exhibit 4. 09:43:52
18 (Exhibit 4 is marked.) 09:43:57
19 Q. (BY MR. GHOSH) Let me scroll to the top of 09:44:05
20 this page here. This is an 86-page spreadsheet 09:44:07
21 that you produced to Plaintiffs, through your 09:44:19
22 counsel, with the file name Milum 1 RFP.PDF. 09:44:21
23 Do you recognize this document? 09:44:31
24 A. Yes. 09:44:32
25 Q. And what is this document? 09:44:42

1 A. It's a report of everything that was deleted 09:44:43
2 in that time frame. 09:44:48

3 Q. Okay. And I just briefly want to walk 09:44:48
4 through the columns so we're on the same page here. 09:44:51

5 What is the -- the first column starts with 09:44:54
6 M-A-T, pound sign. 09:44:57

7 What does that mean? 09:45:00

8 A. That is the material number, barcode number. 09:45:02

9 Q. Got it. And the next is, title. I'm 09:45:06
10 assuming that refers to book title. 09:45:11

11 Is that right? 09:45:13

12 A. Yes. 09:45:13

13 Q. Okay. The next is, author, 09:45:14
14 self-explanatory. 09:45:20

15 Next is, deletion reason. 09:45:20

16 Can you explain what that means? 09:45:23

17 A. The reason it was deleted from the system. 09:45:24

18 Q. Okay. It seems like the reason for almost 09:45:30
19 every single entry is the word, weeded. 09:45:33

20 Is there any other reason to delete a book 09:45:39
21 from the system, besides it being weeded? 09:45:42

22 A. Yes. 09:45:45

23 Q. And what -- what are some of the other 09:45:48
24 reasons? 09:45:51

25 A. If it's not returned, it would just be 09:45:51

1 missing and we would delete it. If it's damaged by 09:45:55
2 a patron, then we would delete it, and it would 09:46:00
3 have more of a note, saying that it was damaged 09:46:04
4 that way. 09:46:11
5 Q. Got it. Next you have price. 09:46:11
6 Does that just refer to what the library 09:46:14
7 paid for the book? 09:46:16
8 A. Yes. 09:46:17
9 Q. And what does -- the next column is fund. 09:46:19
10 What -- what does that mean? 09:46:24
11 A. I'm not quite sure. 09:46:25
12 Q. Okay. Did you put together this -- or 09:46:38
13 sorry. Scratch that. Let me -- let me ask that a 09:46:40
14 different way. 09:46:42
15 Are you responsible for maintaining and 09:46:42
16 updating this spreadsheet? 09:46:45
17 A. No. 09:46:46
18 Q. Who -- who is? 09:46:46
19 A. So, our computer library system. So all I 09:46:48
20 would do is put in the dates that I would want 09:46:56
21 information for, and then it would give me a 09:46:59
22 report. 09:47:02
23 Q. Got it. So, when you weed a book, do you 09:47:02
24 have to input that data into a computer, and then 09:47:09
25 that goes into this database? 09:47:12

1 A. Kind of. We would scan the barcode of the 09:47:13
2 book. It would bring up the book, and then we 09:47:22
3 would click the deleted button. 09:47:25
4 Q. Okay. Understood. I just want to get some 09:47:30
5 clarifications on a few more columns here -- 09:47:32
6 columns here. 09:47:35
7 One of the columns says, biblio still 09:47:36
8 exists. And then it's a yes or a no. 09:47:38
9 What does that mean? 09:47:42
10 A. That means that the item could be in a 09:47:43
11 different library. It could be in the -- one of 09:47:45
12 the ones in our branch. 09:47:50
13 Q. So this spreadsheet only covers books that 09:47:51
14 are in the Llano Branch. 09:47:58
15 Is that right? 09:48:00
16 A. No. This is the system. 09:48:02
17 Q. Okay. So -- so this is across all branches? 09:48:03
18 A. Yes. 09:48:05
19 Q. Okay. So -- so if -- if biblio still exists 09:48:05
20 is no, that means you can't access the book in any 09:48:08
21 branch. 09:48:11
22 Is that right? 09:48:11
23 A. Correct. 09:48:11
24 Q. Okay. All times circ. Is that the number 09:48:12
25 it's been checked out? 09:48:21

1 A. Yes. 09:48:22

2 Q. Okay. And then, last circ, is that the last 09:48:23

3 time the book was checked out? 09:48:26

4 A. Yes. 09:48:27

5 Q. Okay. I'm just going to scroll down a 09:48:28

6 little bit here. So it looks like a number of 09:48:31

7 books were weeded on November 12, 2021. 09:48:57

8 One of those books is titled, Caste: The 09:49:01

9 Origins of Our Discontents, written by Isabel 11:03:12

10 Wilkerson. 09:49:10

11 Are you familiar with this book? 09:49:11

12 A. I never read it, no. 09:49:12

13 Q. Was it your decision to select this book for 09:49:15

14 the Llano County Library System? 09:49:27

15 A. I'm not sure. I don't remember when it was 09:49:27

16 put into the system. 09:49:35

17 Q. So, it looks like it was put into the 09:49:37

18 system, from the spreadsheet, December 15th, 2020. 09:49:39

19 Do you see that? 09:49:46

20 A. Yes. 09:49:47

21 Q. And you were working as -- were you working 09:49:47

22 as the director during that time? 09:49:50

23 A. I was not. I think that was right before 09:49:51

24 I -- I went over there. 09:49:56

25 Q. Okay. So you're not familiar with who put 09:49:57

1 the -- who put the book in the library? 09:50:04

2 A. I -- I don't remember. 09:50:06

3 Q. Okay. Do you remember weeding the book? 09:50:07

4 A. No. 09:50:11

5 Q. Let's go to another book that was removed 09:50:14

6 that same day, called, Being Jazz, My Life as a 09:50:20

7 (Transgender) Teen, by Jazz Jennings. 09:50:27

8 Do you have any knowledge of this title? 09:50:29

9 A. Yes. 09:50:31

10 Q. Okay. And what is your, I guess, knowledge 09:50:31

11 of the title? 09:50:35

12 A. I -- I've seen it on the shelves. I've 09:50:37

13 never read it. 09:50:39

14 Q. Okay. It looks like this book was also 09:50:40

15 weeded on November 12, 2021. 09:50:46

16 Is that right? 09:50:48

17 A. Yes. 09:50:48

18 Q. Do you know why it was weeded? 09:50:50

19 A. Because it had not been getting checked out. 09:50:57

20 Q. And is -- is the practice -- is -- is the -- 09:50:59

21 what is the rule with regards to a book that isn't 09:51:07

22 checked out very frequently? 09:51:11

23 A. If it's not getting checked out at least 09:51:11

24 within three years, we will weed it, because it's 09:51:15

25 just -- it's wasting space, when we could put 09:51:21

1 something else on the shelves. 09:51:25

2 Q. Okay. And is it your testimony today that 09:51:25

3 that was the only reason why Being Jazz was weeded? 09:51:32

4 A. Yes. 09:51:37

5 Q. It wasn't weeded for any other reason? 09:51:38

6 A. No. 09:51:40

7 Q. I just want to direct your attention -- 09:51:40

8 actually, before I do that, if I wanted to check 09:51:51

9 out, Caste: The Origins of Our Discontents, would I 09:51:53

10 be able to do that from the Llano County Library, 09:52:00

11 assuming I had a library card? 09:52:05

12 A. It doesn't look like it's in the system, but 09:52:06

13 if we had it, you would be able to. 09:52:08

14 Q. And it looks like that book was, in fact, 09:52:10

15 checked out last January, January 22nd, and two 09:52:13

16 more times other than that. 09:52:18

17 Do you see that? 09:52:20

18 A. Yes. 09:52:20

19 Q. Okay. So, given that it has been checked 09:52:20

20 out in the last three years, at least three times, 09:52:25

21 do you know why it would be weeded? 09:52:30

22 A. I -- I don't. I don't know. It -- it could 09:52:32

23 have been damaged, when they brought it back. I -- 09:52:40

24 I don't remember that -- that one. 09:52:46

25 Q. Okay. I just want to direct your attention 09:52:47

1 to another book, highlighted here, They Called 09:52:52
2 Themselves the KKK, and then there's -- the rest of 09:52:59
3 title, it seems to be cut off. But it's written by 09:53:01
4 Susan Campbell Bartoletti. 09:53:05
5 Do you see that entry? 09:53:09
6 A. Yes. 09:53:10
7 Q. It looks like this book was added to the 09:53:11
8 library May 17, 2011. 09:53:16
9 Do you see that? 09:53:21
10 A. Yes. 09:53:22
11 Q. Okay. Do you know why this book was weeded? 09:53:22
12 A. Yes, because it hadn't been checked out. 09:53:24
13 Q. And when a book gets weeded, what does the 09:53:26
14 library do with that book? 09:53:34
15 A. It goes in our Friends of the Library book 09:53:35
16 sale. So it's a room in the library, and people 09:53:39
17 can come in and purchase the book for a donation, 09:53:42
18 to help support the library. 09:53:45
19 Q. Okay. I just want to direct your attention 09:53:47
20 to this very top title. It looks like this 09:54:00
21 spreadsheet covers items that were deleted from 09:54:05
22 January 1st, 2021, through March 31st, 2022. 09:54:10
23 Have you, you know, tried to create a more 09:54:17
24 recent report of the -- the deleted books? 09:54:24
25 A. No. 09:54:28

1 Q. Would you be able to do that? 09:54:29

2 A. Yes. I can run a report. 09:54:32

3 Q. Okay. And -- and that report would tell 09:54:37

4 you -- would it be able to tell you all the books 09:54:43

5 that have been deleted through the present? 09:54:45

6 A. Yes. 09:54:47

7 Q. Okay. To your knowledge, were any of the 09:54:47

8 books on this list deleted because they contained 09:55:00

9 inappropriate or offensive content? 09:55:02

10 A. No. 09:55:04

11 Q. Have you ever been asked to remove a book 09:55:05

12 from the library shelves because someone found a 09:55:14

13 title offensive, or inappropriate? 09:55:20

14 A. Yes, by patrons. 09:55:22

15 Q. How about by Mr. Ron Cunningham? 09:55:31

16 A. No. 09:55:36

17 Q. How about by Mr. Jerry Don Moss? 09:55:36

18 A. It was suggested to. 09:55:41

19 Q. And -- and which book did he suggest you 09:55:54

20 removing? 09:56:00

21 A. The butt books. 09:56:00

22 Q. Okay. In July 2021, you spoke to several 09:56:06

23 individuals regarding what -- I guess we'll both 09:56:23

24 call it the butt books. 09:56:27

25 Is -- is that right? 09:56:28

1	A. Yes.	09:56:29
2	Q. Is speaking with library members about their	09:56:29
3	feelings of books, is that part of your job	09:56:37
4	responsibility?	09:56:39
5	A. Well, I don't know if it's a responsibility,	09:56:39
6	but we -- we all kind of do it.	09:56:45
7	Q. Okay. I'm going to open up here what's --	09:56:47
8	just one second. The next exhibit, which I think	09:56:59
9	at this point is 5, Exhibit 5 will be a document	09:57:17
10	Bates stamped Milum RFP-00578 through 00608.	09:57:21
11	MR. GHOSH: Let me just get this up	09:57:34
12	on the screen. It's just numbered as No. 6, if	09:57:35
13	anybody is following around -- along with the	09:57:39
14	actual files.	09:57:41
15	(Exhibit 5 is marked.)	09:57:48
16	Q. (BY MR. GHOSH) So this is another one of	09:57:49
17	those documents that's sort of a compilation.	09:57:50
18	It's -- it's about 31 pages. But you know, we're	09:57:52
19	going to sort of tackle them one page at a time.	09:57:54
20	And I'll give you the opportunity to review the	09:57:57
21	whole document, if that's what you want.	09:57:59
22	So, do you recognize this first page here?	09:58:01
23	It's -- it's Bates stamped 578.	09:58:06
24	A. Yes.	09:58:11
25	Q. Okay. And just so we, you know, are clear	09:58:12

1 with each other, when you're referring to the butt 09:58:19
2 books, are you talking about the title, I Broke My 09:58:22
3 Butt! and the title, My Butt is So Noisy!, by the 09:58:26
4 author Dawn McMillan? 09:58:30
5 A. Yes. 09:58:32
6 Q. Okay. And I'm just going to try to get 09:58:32
7 ahead of this a little bit, but we may also refer 09:58:39
8 to certain fart books. 09:58:41
9 And will you understand me, if these books 09:58:43
10 are referring to the titles, Larry the Farting 09:58:46
11 Leprechaun; Harvey the Heart Had Too Many Farts; 09:58:51
12 the title, Gary the Goose and His Gas on the Loose; 09:58:54
13 the title, Freddie The Farting Snowman; and all 09:58:57
14 these titles are by the author Jane Bexley? 09:59:01
15 A. Yes. 09:59:04
16 Q. Does that make sense to you? 09:59:05
17 A. Yes. 09:59:06
18 Q. Okay. So it looks like you had -- it looks 09:59:06
19 like you had about eight communications with 09:59:11
20 various library members about these books. 09:59:13
21 Does that sound about right? 09:59:17
22 A. These were all patrons. 09:59:19
23 Q. Okay. 09:59:24
24 A. Yes. 09:59:24
25 Q. And I -- I guess we'll just take them one 09:59:25

1 category at a time. 09:59:30

2 Who -- do you know who purchased the, quote, 09:59:32

3 unquote, butt books, for the library? 09:59:34

4 A. I did. 09:59:36

5 Q. Okay. And what -- what were your sort of 09:59:37

6 first impression of these books? 09:59:42

7 A. They were just this silly -- you know, silly 09:59:43

8 stupid books. 09:59:52

9 Q. Sure. Sure. Who were they sort of meant 09:59:53

10 for, I guess? 09:59:56

11 A. I believe it's like 3 to 7-year-olds. 09:59:57

12 Q. Okay. And were they then shelved in the 10:00:05

13 sort of 3 to 7-year-old section of the library? 10:00:10

14 A. The two that made it to the shelves were. 10:00:13

15 Q. Okay. And which two are those? 10:00:19

16 A. I believe it was, My Butt is So Noisy! and 10:00:21

17 it was -- it was one of the other ones. The -- the 10:00:36

18 one with the -- the table on his bottom. 10:00:44

19 Q. I -- I think, from my -- from my limited 10:00:47

20 research, I believe that is, I Broke My Butt!. 10:00:52

21 A. Okay. 10:00:56

22 Q. Got it. Okay. And it seems like, at some 10:00:56

23 point after those two books were put on the shelf, 10:01:04

24 on August 5th, 2021, you wrote this note. And 10:01:06

25 you've produced a number of -- of these notes to 10:01:12

1 us. 10:01:15

2 And I just wanted to sort of go over your 10:01:15

3 note-taking practice, generally, before we got into 10:01:18

4 this document specifically. 10:01:21

5 So, when you -- when you write these notes, 10:01:22

6 and you sort of date, time, and initial them at the 10:01:26

7 bottom, who are they meant for? 10:01:29

8 A. They're for myself. 10:01:30

9 Q. Okay. Is this part of like a journal you 10:01:33

10 keep as -- as part of your job? 10:01:35

11 A. Yes. 10:01:37

12 Q. Okay. And -- and do you -- do you have an 10:01:37

13 entry for every day? 10:01:42

14 A. No. 10:01:43

15 Q. Okay. 10:01:44

16 A. I need to. No. 10:01:46

17 Q. When do you make an entry? 10:01:47

18 A. Just when I try not to forget anything. 10:01:50

19 If -- busy days. 10:01:54

20 Q. Right. And so when something memorable 10:01:56

21 happens, you'll write it down as soon as it 10:02:00

22 happens, so you'll remember it. 10:02:03

23 Is -- is that right? 10:02:03

24 A. I try to. 10:02:04

25 Q. Okay. Got it. So on this date, on the 10:02:05

1 screen right now, which is Bates numbered -- 10:02:09
2 document Bates numbered 579, it's a note to 10:02:13
3 yourself, August 5th, 2021, at 2:24 p.m. 10:02:16
4 The note is, and I quote: I have deleted 10:02:19
5 the four, quote, unquote, fart books from the 10:02:24
6 system. I am waiting for the two, quote, unquote, 10:02:28
7 butt books to be returned, so I can delete them as 10:02:31
8 well. 10:02:34
9 Then you've initialed it at the bottom. 10:02:34
10 So did you make these deletions based on the 10:02:36
11 suggestion of Commissioner Jerry Don Moss? 10:02:44
12 A. No. I made them because the two butt books 10:02:49
13 were only getting checked out by two people that 10:02:57
14 did not want them on the shelves, so no one else 10:03:00
15 was having access. 10:03:03
16 Q. Okay. A little bit ago, you said that the 10:03:05
17 only time you removed a book because somebody found 10:03:12
18 it offensive was at some point, Jerry Don Moss may 10:03:14
19 have suggested something to you. 10:03:19
20 Was that another category of books? I just 10:03:20
21 want to make sure we're being clear. 10:03:23
22 A. No. He -- 10:03:26
23 MR. ROGERS: I'm going to object. 10:03:26
24 That misstates testimony. 10:03:28
25 Q. (BY MR. GHOSH) You can answer the question. 10:03:30

1 A. No. He suggested I remove these books, 10:03:31
2 because of how many people in the community, you 10:03:34
3 know, didn't want them. 10:03:36
4 Q. Got it. And when you say they didn't want 10:03:38
5 them, what was the main complaint you came across? 10:03:46
6 A. They did not like the pictures in the butt 10:03:49
7 books. 10:03:56
8 Q. Okay. And -- and what were those pictures 10:03:57
9 of, just in general? 10:04:00
10 A. A man painting on the bottom of one of the 10:04:01
11 boys, or the boys naked on a -- like a walk -- 10:04:06
12 runway, or something, with adults on each side. 10:04:11
13 Q. So -- okay. You said these books were meant 10:04:14
14 for children ages 3 to 7. 10:04:17
15 Is that right? 10:04:19
16 A. Yes. 10:04:19
17 Q. Something like that? 10:04:20
18 A. Something like that. 10:04:21
19 Q. Okay. Were -- were any children, ages -- 10:04:22
20 age 3 to 7, complaining about the books? 10:04:24
21 A. No. 10:04:26
22 Q. Okay. Were -- were any children under the 10:04:28
23 age of 18 complaining about the books? 10:04:33
24 A. No. 10:04:34
25 Q. Okay. Were any young adults, from ages 18 10:04:36

1 to 21, complaining about the books? 10:04:40

2 A. No. 10:04:42

3 Q. Okay. You -- you previously mentioned that 10:04:44

4 one of the reasons you removed this is because 10:04:52

5 somebody kept checking these books out so that 10:04:54

6 nobody else could have them. 10:04:58

7 My first question is, do I have that right? 10:04:59

8 A. Yes. 10:05:01

9 Q. Okay. And who is that person? 10:05:01

10 A. Rhonda Schnieder was one, and Rochelle Wells 10:05:05

11 was the other. 10:05:22

12 Q. So Ms. Schnieder and Ms. Wells, they would 10:05:23

13 check these books out so that other patrons 10:05:31

14 couldn't check them out. 10:05:36

15 How did you know that that's what they were 10:05:38

16 doing? 10:05:40

17 A. That's what I've heard that they said they 10:05:41

18 were going to do. 10:05:47

19 Q. Okay. Okay. I'm just going to direct your 10:05:47

20 attention to an e-mail exchange between yourself, 10:06:04

21 and Mr. Ron Cunningham. These are Bates numbered 10:06:07

22 Milum 4 RP 580 and 581. 10:06:13

23 We're going to go to your e-mail first, and 10:06:17

24 then Mr. Cunningham's. 10:06:22

25 Does that make sense? 10:06:23

1 A. Yes. 10:06:23

2 Q. Okay. So on August 5th, 2021, you wrote -- 10:06:24

3 or actually, I -- I have the order wrong. So 10:06:29

4 strike that. 10:06:31

5 It looks like Mr. Cunningham wrote to you, 10:06:39

6 on the morning of Thursday, August 5th: Amber, I 10:06:41

7 am still receiving calls, letters, and e-mails, 10:06:46

8 concerning the farts, and butts books. I think it 10:06:48

9 is best to remove these books from the shelves for 10:06:51

10 now. Thank you, Ron Cunningham. 10:06:53

11 Do you see that? 10:06:58

12 A. Yes. 10:06:58

13 Q. Okay. So here, Mr. Cunningham is telling 10:06:59

14 you to remove these books from the shelves at the 10:07:04

15 library, because of complaints. 10:07:06

16 Is that right? 10:07:08

17 MR. ROGERS: Objection; assumes 10:07:09

18 facts not in evidence. 10:07:17

19 Q. (BY MR. GHOSH) You can answer. 10:07:17

20 A. Yes. 10:07:19

21 Q. Okay. The reason that there were complaints 10:07:19

22 is because certain individuals, certain patrons, 10:07:21

23 found these books offensive. 10:07:24

24 Is that right? 10:07:25

25 MR. ROGERS: Same objection. 10:07:34

1 A. Yes. 10:07:25

2 Q. (BY MR. GHOSH) Okay. So the reason you 10:07:26

3 ultimately removed these books from the shelves is 10:07:29

4 because certain individuals found these books 10:07:30

5 offensive? 10:07:33

6 MR. ROGERS: Same objection. 10:07:34

7 A. Yes. 10:07:35

8 Q. (BY MR. GHOSH) And you were directed to do 10:07:36

9 so by one of the individuals you described as your 10:07:42

10 supervisor, Mr. Ron Cunningham. 10:07:44

11 Is that right? 10:07:46

12 A. Yes. 10:07:46

13 Q. Okay. A few hours later, you respond to 10:07:47

14 Mr. Cunningham's e-mail, on Thursday, August 5th, 10:07:54

15 2021, at what looks like 11:38 a.m. 10:07:57

16 You write: Yes, sir. Commissioner Moss 10:08:00

17 suggested that as well. The, quote, unquote, fart 10:08:02

18 books have never been on the shelves. I will 10:08:05

19 delete them out of the system. The other two, 10:08:08

20 quote, unquote, butt books have been checked out. 10:08:11

21 So I am waiting for them to return so I can delete 10:08:13

22 them as well. I'm sorry for all the problems. 10:08:16

23 So were these the only books that were 10:08:27

24 causing what you describe as problems in the 10:08:30

25 library? 10:08:33

1 A. Yes. 10:08:34

2 Q. Okay. There weren't individuals complaining 10:08:34

3 about any other books, to your knowledge? 10:08:36

4 A. No, not at that time. 10:08:43

5 Q. Okay. What about a later time? 10:08:44

6 A. I think -- 10:08:46

7 MR. ROGERS: I'm going to object as 10:09:06

8 vague, also, just for the lack of a time frame. I 10:09:07

9 won't -- don't think I'm not trying to get in the 10:09:09

10 way of the question, but (unintelligible). 10:09:14

11 MR. GHOSH: No. I -- I 10:09:15

12 appreciate -- I appreciate the objection, Dwain. 10:09:17

13 Q. (BY MR. GHOSH) I'm going to rephrase, 10:09:20

14 Ms. Milum. 10:09:22

15 Between August 5th, 2021, and let's say, 10:09:22

16 today, have any books been removed because of 10:09:26

17 complaints that they were offensive, inappropriate, 10:09:31

18 anything like that? 10:09:34

19 A. Nothing other than the -- the butt books. 10:09:35

20 Q. Okay. Let me ask this slightly different 10:09:41

21 question. 10:09:43

22 From August 5th, 2021, to today, besides the 10:09:44

23 butt books, and the fart books, have you received 10:09:49

24 complaints that books should be removed for being 10:09:54

25 offensive? 10:09:55

1 A. Yes. 10:09:56

2 Q. And isn't it right that Ms. Bonnie Wallace 10:10:02

3 complained to Mr. Cunningham, in a similar manner 10:10:14

4 to what happened with the butt books, about certain 10:10:16

5 books on the LGBTQ subject area? 10:10:18

6 MR. ROGERS: Objection, to the 10:10:31

7 extent she doesn't have personal knowledge. 10:10:33

8 But go ahead. 10:10:34

9 A. Yeah, I'm -- I'm not sure. 10:10:34

10 Q. (BY MR. GHOSH) Okay. I guess -- I -- I 10:10:35

11 just want to clear that up a little bit. 10:10:41

12 Are -- you're -- when you say you're not 10:10:42

13 sure, are you saying you're not aware of any 10:10:44

14 complaints from Ms. Bonnie Wallace to Mr. Ron 10:10:45

15 Cunningham, about LGBTQ books? 10:10:49

16 A. I am, when I receive the e-mail. Other than 10:10:52

17 that --

18 Q. Okay.

19 A. -- I don't know what was discussed. 10:10:55

20 Q. Okay. So -- so let's just go on -- on what 10:10:56

21 you are aware of then. 10:10:58

22 Ms. Bonnie Wallace, to your knowledge, did 10:10:59

23 complain about LGBTQ books in the Llano County 10:11:04

24 Library, right? 10:11:08

25 A. Yes. 10:11:09

1 Q. Okay. And she wanted those books removed, 10:11:09
2 right? 10:11:11
3 A. Relocated, something like that. 10:11:11
4 Q. Okay. Because she didn't agree with the 10:11:14
5 subject matter of those books? 10:11:17
6 A. I -- I -- 10:11:18
7 MR. ROGERS: Objection; personal 10:11:21
8 knowledge, speculation. 10:11:22
9 Q. (BY MR. GHOSH) Just -- just as a general 10:11:31
10 matter. This is -- this is not, like, a factual, I 10:11:34
11 guess, or -- or memory-based question. 10:11:36
12 Do you agree with the concept that books 10:11:39
13 about the subject matter of LGBTQ should be removed 10:11:41
14 because people disagree with that? 10:11:45
15 A. No. 10:11:49
16 MR. GHOSH: Okay. I think we can 10:11:53
17 take a five-minute break, unless you need longer, 10:11:55
18 Ms. Milum, or -- or Mr. Rogers. I'm happy to 10:11:58
19 reconvene at what is 11, I guess 17, for me, 10:17 10:12:02
20 for you-all. 10:12:06
21 MR. ROGERS: Okay. 10:12:07
22 MR. GHOSH: Okay. Awesome. 10:12:08
23 MR. ROGERS: Thank you. 10:12:10
24 MR. GHOSH: Thank you. 10:12:10
25 THE VIDEOGRAPHER: Going off the 10:12:11

1 record at 10:12. 10:12:12

2 (Break.) 10:12:13

3 THE VIDEOGRAPHER: We are back on 10:26:56

4 the record at 10:26. 10:26:59

5 Q. (BY MR. GHOSH) Great. So, I'm going to 10:27:01

6 just put back on the screen what we had tagged as 10:27:03

7 Exhibit 5, which was -- I'm just going to repeat 10:27:08

8 the Bates number for the record, Milum 4 RFP 00578 10:27:12

9 through 608. 10:27:17

10 So, Ms. Milum, this is just another one of 10:27:30

11 the notes that you produced to us. This one is 10:27:35

12 dated August 3rd of 2021, around 4:00 p.m. 10:27:37

13 Now, before the break, we were briefly 10:27:40

14 discussing at least one instance when 10:27:44

15 Mr. Cunningham directed you to remove certain 10:27:48

16 books, what we're calling the, quote, unquote, butt 10:27:55

17 books, and the, quote, unquote, fart books, from 10:27:57

18 the library system. 10:28:00

19 MR. ROGERS: Object; assumes facts 10:28:04

20 not in evidence. 10:28:07

21 Q. (BY MR. GHOSH) So my question is, is my 10:28:07

22 understanding of that interaction right? 10:28:12

23 A. Yes. 10:28:13

24 Q. So, this is another note you wrote to 10:28:23

25 yourself. I'm -- I'm seeing it was initialed by 10:28:31

1	you on the lower right-hand corner.	10:28:34
2	Is that right?	10:28:36
3	A. Yes.	10:28:37
4	Q. Okay. This note reads, quote:	10:28:38
5	Commissioner Moss came back in to talk to me about	10:28:42
6	the, quote, unquote, butt books. He said he's been	10:28:45
7	getting calls about them, and Rochelle, quote, the	10:28:49
8	one that has been checked out, end quote, has been	10:28:52
9	calling him, and he told me that I should take them	10:28:55
10	out of the system.	10:28:59
11	Is that accurate?	10:29:02
12	A. This is just notes from my conversation. So	10:29:02
13	it's not word for word. He was telling me that he	10:29:18
14	would take them out, if it was him, because of	10:29:22
15	everything going on.	10:29:26
16	Q. And after -- after he told you that, you, in	10:29:31
17	fact, did take those books out.	10:29:34
18	Is that right?	10:29:35
19	A. Yes.	10:29:35
20	Q. And we talked about this, all -- all the way	10:29:36
21	at the beginning, but I mostly just want to refresh	10:29:40
22	my recollection.	10:29:44
23	Mr. -- Mr. Jerry Don Moss, and Mr. Ron	10:29:44
24	Cunningham, they -- they are your supervisors,	10:29:49
25	at -- at -- in your role as the library director.	10:29:55

1 Is that right? 10:29:57

2 A. Yes. 10:29:58

3 Q. Okay. The very next paragraph here, it 10:30:01

4 says, quote: He said the next step would be to 10:30:12

5 take this to CC. And if that happens, the would 10:30:17

6 vote to talk them off the shelf, and it would be 10:30:22

7 bad publicity for the library. 10:30:27

8 Do you see where it says that? 10:30:29

9 A. Yes. 10:30:30

10 Q. Okay. Do you know -- well, let me -- let me 10:30:31

11 start with this. 10:30:38

12 What does CC mean? 10:30:39

13 A. Commissioners Court. 10:30:40

14 Q. Okay. And when you wrote, bad publicity for 10:30:43

15 the library, what did you mean? 10:30:46

16 A. Be -- it's about, you don't want people to 10:30:48

17 have negative thoughts or feelings about the 10:31:00

18 library. They should want to come and -- and enjoy 10:31:02

19 the place. 10:31:06

20 Q. Okay. Now, this is a document that is Bates 10:31:06

21 titled -- still the same exhibit, Exhibit 5, just a 10:31:22

22 different page, ending in Bates 583. 10:31:25

23 It looks like this is a collection of sticky 10:31:28

24 notes that have various complaints from Rochelle 10:31:33

25 Wells, Vivian Koerner, Sidonie Thornton, Amy 10:31:39

1 Jordan, and Jackie Cherico. 10:31:45

2 Do I have -- putting aside pronunciation, do 10:31:49

3 I have that right? 10:31:53

4 A. Yes. 10:31:53

5 Q. Okay. Rochelle Wells says -- or you say 10:31:54

6 about Rochelle Wells, sorry: Spoke to her about 10:32:04

7 the, quote, unquote, butt books this morning. She 10:32:06

8 does not want them in the library, period. 10:32:09

9 Is that accurate? 10:32:12

10 A. Yes. 10:32:12

11 Q. Okay. Just in general, about how many 10:32:12

12 complaints does it take before you and the other 10:32:22

13 librarians at Llano County decide it's not worth, 10:32:27

14 you know, having a book on the shelves? 10:32:29

15 MR. ROGERS: Objection; assumes 10:32:31

16 facts not in evidence, misstates testimony. 10:32:32

17 Q. (BY MR. GHOSH) Oh, you -- you can -- you 10:32:39

18 can definitely answer the question. 10:32:40

19 MR. ROGERS: Go ahead and answer, 10:32:41

20 Amber. 10:32:41

21 Q. (BY MR. GHOSH) And just -- just going -- 10:32:41

22 I'm going to restate the question. And just going 10:32:41

23 forward, unless Mr. Rogers specifically tells you 10:32:44

24 not to answer, which he may at some point, you 10:32:47

25 should still answer when -- when he objects. 10:32:49

1 And let -- let me just reask that question. 10:32:50

2 About how many complaints from patrons does 10:32:52

3 it take before you -- you and the other librarians 10:32:58

4 decide to remove it from the shelves? 10:33:03

5 MR. ROGERS: Same objection. 10:33:06

6 A. It just depends on what they're concerned 10:33:07

7 about, what their complaint is about. 10:33:12

8 Q. (BY MR. GHOSH) Okay. Okay. 10:33:13

9 A. There's not a specific number. 10:33:23

10 Q. Got it. Okay. I'm now going to page Bates 10:33:24

11 ending in 585. This looks like a typed note, with 10:33:41

12 a sticky note attached to it. The typed note is 10:33:47

13 titled, The butt books are not grooming books. 10:33:51

14 Is this a document that you created, 10:33:55

15 Ms. Milum? 10:33:59

16 A. Yes. 10:33:59

17 Q. Okay. And you write here: Grooming is when 10:33:59

18 someone builds a relationship, trust, and emotional 10:34:05

19 connection with a child or young person, so they 10:34:08

20 can manipulate, exploit, and abuse them. 10:34:10

21 Why did you have to clarify -- actually, 10:34:14

22 let's strike that from the record. 10:34:19

23 Did this document get sent to anybody? Is 10:34:21

24 that why it was typed up? 10:34:26

25 A. No. 10:34:27

1 Q. Okay. Was this just sort of another note 10:34:28
2 that you had for yourself? 10:34:31
3 A. Yes. 10:34:32
4 Q. Okay. Why did you need to clarify to 10:34:33
5 yourself that these books weren't grooming books? 10:34:37
6 A. A few of the people kept repeating that it 10:34:40
7 was. And so I wanted to look into the exact 10:34:44
8 definition. And then I just wanted to have it 10:34:47
9 out -- out front, with the rest of my notes. 10:34:51
10 Q. Certain patrons told you that the butt and 10:34:54
11 fart books were used for grooming children? 10:34:57
12 A. Yes. 10:35:00
13 Q. Okay. And you came to the conclusion that 10:35:00
14 that wasn't accurate. 10:35:06
15 Is that right? 10:35:07
16 A. My opinion was that they were not. 10:35:08
17 Q. Okay. Did any of the other staff li -- did 10:35:11
18 you talk to any of the other staff librarians about 10:35:15
19 this issue? 10:35:19
20 A. Yes. 10:35:20
21 Q. Okay. Did anybody agree with you? 10:35:20
22 A. Agree with me? Yes. 10:35:22
23 Q. Okay. Did anybody disagree with you? 10:35:24
24 A. No, not about the grooming. 10:35:27
25 Q. Okay. Here, I'm going to a text message -- 10:35:30

1 I'm sorry, a Facebook Messenger exchange that 10:35:46
2 starts at Bates number 588 of the same document 10:35:49
3 we've been in. It's by a Jo Ares, who appears to 10:35:53
4 be a patron at the Llano County Library. 10:35:57
5 Do patrons normally Facebook you complaints 10:36:02
6 about books? 10:36:06
7 A. No. 10:36:06
8 Q. This was unusual, you'd say? 10:36:07
9 A. Yes. 10:36:09
10 Q. Okay. Are you familiar with this -- with 10:36:09
11 this Facebook Messenger exchange? 10:36:18
12 A. Yes. 10:36:24
13 Q. Okay. I'm just going to scroll down to sort 10:36:25
14 of a midway point here. You say here, quote: I 10:36:28
15 have been discussing with patrons the issues they 10:36:38
16 have with the book. That's why they haven't been 10:36:40
17 on the shelves yet. As for the money to purchase 10:36:42
18 the book mostly comes from donations. I purchase 10:36:45
19 all the books for the library system with 10:36:48
20 recommendations from patrons and other staff. 10:36:51
21 Would you say that's accurate? 10:36:53
22 A. Yes. 10:36:54
23 Q. Okay. So, when you and the staff make a 10:36:55
24 joint determination to purchase a book, you're not 10:37:00
25 endorsing the views in that book, are you? 10:37:06

1 A. No. 10:37:07

2 Q. Okay. Llano County, to your knowledge, 10:37:08

3 certainly doesn't endorse the views of all of the 10:37:13

4 books in its library, right? 10:37:17

5 A. No. 10:37:21

6 Q. And there may be books at the library that 10:37:21

7 you, yourself, disagree with? 10:37:27

8 A. Yes. 10:37:29

9 Q. On the next page, Bates number 591, you 10:37:29

10 say -- or Ms. Ares asks, quote: What patrons help 10:37:44

11 choose books? 10:37:49

12 And you respond, quote: The libraries have 10:37:49

13 a form patrons can fill out, requesting certain 10:37:52

14 authors, books, or even genres. I purchase what I 10:37:55

15 can from those forms, end quote. 10:37:59

16 Do you keep these request forms in sort 10:38:05

17 of -- as part of the library's business records? 10:38:08

18 A. No. 10:38:12

19 Q. Do you have a -- like, do you have a 10:38:12

20 spreadsheet, like we looked at before, of all of 10:38:15

21 the various requests you got to purchase certain 10:38:18

22 books? 10:38:20

23 A. No. 10:38:21

24 Q. Okay. So, is there any way for you to track 10:38:21

25 what people are requesting? 10:38:27

1 A. No. 10:38:28

2 Q. Okay. Other than -- you know, you -- you 10:38:31

3 said you made the decision to purchase these butt 10:38:38

4 and fart books because you thought they would, you 10:38:41

5 know, have some value to children who wanted to 10:38:44

6 read. 10:38:46

7 Is that right? 10:38:46

8 A. Yes. 10:38:46

9 Q. Did any patrons request that you purchase 10:38:48

10 these books? 10:38:53

11 A. No. 10:38:54

12 Q. Okay. In the last year, have any patrons 10:38:54

13 requested that you purchase books regarding the 10:39:03

14 LGBTQ subject area? 10:39:06

15 A. Probably. I don't know off the top of my 10:39:08

16 head. 10:39:18

17 Q. Okay. So -- so when you say probably, I 10:39:18

18 guess, what are you basing that answer off of? 10:39:25

19 A. I know that I've had a few. I -- I just 10:39:27

20 don't know when they were or what they were. I 10:39:39

21 don't -- I don't remember. 10:39:43

22 Q. Got it. And -- and just like certain people 10:39:43

23 were angry about these, you know, quote, butt or 10:39:52

24 fart books, you also received letters and e-mails 10:39:55

25 that you produced to us, of people that had 10:39:58

1 positive reactions and didn't find these books 10:40:01
2 offensive. 10:40:04
3 Isn't that right? 10:40:05
4 A. I think from the staff. 10:40:05
5 Q. Other than the staff, people didn't say 10:40:06
6 anything about the books? 10:40:11
7 A. Most people didn't get a chance to see them. 10:40:11
8 I don't -- I don't recall. 10:40:17
9 Q. Got it. Got it. Do you know anyone named 10:40:18
10 Bonnie Wallace? 10:40:31
11 A. Yes. 10:40:32
12 Q. And who is Ms. Bonnie Wallace? 10:40:32
13 A. She is on the library advisory board, and 10:40:38
14 patron of the library. 10:40:42
15 Q. And how long has she been on the library 10:40:43
16 advisory board? 10:40:46
17 A. I believe it started up in January. 10:40:47
18 Q. Let's talk very briefly, and we'll come back 10:40:55
19 to it. 10:40:57
20 But the library advisory board, do they have 10:40:57
21 supervisory authority over you? 10:41:01
22 A. No. 10:41:04
23 Q. Do they have supervisory authority over 10:41:04
24 anyone? 10:41:06
25 A. No. 10:41:06

1 Q. Okay. What is their role? 10:41:06

2 A. To go over policies and procedures. And 10:41:11

3 re -- you know, request for -- or I guess take 10:41:18

4 their requests to the commissioners, that they have 10:41:24

5 for the library. 10:41:27

6 Q. Okay. I'm going to put up another document. 10:41:27

7 And I apologize to everybody in advance, in case I 10:41:41

8 start to mess up exhibit numbering here. But I'm 10:41:48

9 pretty sure this is Exhibit No. 6. 10:41:52

10 It is a document that is Bates stamped 10:41:55

11 County 2 RFP-0039 to 40. 10:41:57

12 MR. GHOSH: In the zip file you got, 10:42:07

13 Ms. Milum and Dwain, I believe it was numbered 17. 10:42:10

14 So I'll go ahead and share that on my screen now. 10:42:12

15 Are you able to -- to see this 10:42:26

16 document? 10:42:28

17 THE WITNESS: Yes. 10:42:28

18 (Exhibit 6 is marked.) 10:42:29

19 Q. (BY MR. GHOSH) Okay. Ms. Milum, I'm going 10:42:29

20 to go ahead and represent to you that this is a 10:42:46

21 communication that was produced to us by Llano 10:42:48

22 County. It is an e-mail between Bonnie Wallace, 10:42:50

23 and Cheryll Mabray. 10:42:57

24 You'd -- you had previously testified you do 10:43:00

25 know who Ms. Bonnie Wallace is. She currently sits 10:43:01

1 on the library advisory board. 10:43:05

2 Do you know a Cheryll Mabray? 10:43:08

3 A. Yes. She's on the advisory board as well. 10:43:10

4 Q. Okay. How many people are on the advisory 10:43:12

5 board? 10:43:14

6 A. I believe it's 13. 10:43:15

7 Q. Were you involved in selecting the library 10:43:17

8 advisory board? 10:43:21

9 A. No. 10:43:21

10 Q. Did they ask for your input? 10:43:21

11 A. No. 10:43:23

12 Q. Okay. If they had, would you have any ideas 10:43:29

13 about who should be on the board? 10:43:31

14 A. No. 10:43:32

15 Q. Okay. Does Ms. Bonnie Wallace have any 10:43:37

16 experience working at a library? 10:43:41

17 A. I don't know. 10:43:43

18 Q. To your knowledge, does Ms. Mabray have any 10:43:44

19 experience working at a library? 10:43:48

20 A. I don't know, either. 10:43:49

21 Q. Should the people who are tasked with 10:43:50

22 advising the County about the library have 10:43:56

23 experience working at a library? 10:43:58

24 MR. ROGERS: Objection; speculation. 10:44:02

25 Q. (BY MR. GHOSH) You can answer. 10:44:06

1 A. I don't know. I'm -- it would help, I 10:44:08
2 guess, but I don't -- I don't know. 10:44:10
3 Q. You think it would be helpful in their task, 10:44:11
4 in advising the County, if they had experience 10:44:16
5 working in a library? 10:44:19
6 A. Yes. 10:44:19
7 Q. Okay. Here, on January 17th, 2022, 10:44:20
8 Ms. Bonnie Wallace writes: Ladies, Gay sent me two 10:44:27
9 e-mails this morning. This is the second. The 10:44:32
10 first I have already forwarded, and it contains the 10:44:34
11 minutes of the last three -- sorry, of three of the 10:44:37
12 last four meetings, which the previous advisory 10:44:38
13 board held, quote, prior -- (prior to COVID). This 10:44:41
14 e-mail is very informative, so I'm forwarding to 10:44:47
15 each of you. When Ron e-mailed me the five-year 10:44:50
16 plan yesterday evening, he asked that one of the 10:44:52
17 goals of the advisory board be to find ways to 10:44:53
18 reduce the budget of the library, as it currently 10:44:56
19 costs taxpayers over \$450,000, end quote. 10:44:59
20 Do you -- do you -- first, just, do you see 10:45:04
21 that e-mail? 10:45:07
22 A. Yes. 10:45:07
23 Q. Are you able to see that? Okay. 10:45:08
24 Were you aware that Mr. Ron Cunningham 10:45:11
25 tasked the library advisory board with assessing 10:45:15

1 and reducing the budget of the Llano County 10:45:19
2 Library? 10:45:22
3 A. I was, after going to one of the meetings. 10:45:22
4 Q. But nobody advised you before that decision 10:45:29
5 was made? 10:45:36
6 A. No. 10:45:36
7 Q. Okay. Do you have any say in the budget of 10:45:36
8 the library system? 10:45:41
9 A. I can send in requests. 10:45:42
10 Q. Okay. And generally speaking, who are you 10:45:43
11 sending in these requests to? 10:45:50
12 A. To the Judge and the Commissioners. 10:45:51
13 Q. And do they normally approve your requests? 10:45:53
14 A. This is only going to be my second time 10:45:56
15 to -- to do it. Last year, it -- it was approved. 10:46:06
16 Q. Has it been approved this year? 10:46:10
17 A. No. Budget hasn't gone through yet. 10:46:12
18 Q. And when does the budget go through? 10:46:14
19 A. I believe it gets approved in September, so 10:46:16
20 it'll start in October. 10:46:23
21 Q. Okay. I just want to direct you to the very 10:46:24
22 next e-mail, from Mr. Mabray [sic], that says, 10:46:31
23 quote: Since yesterday, I learned the sheriff's 10:46:35
24 office, building and maintenance, and then road and 10:46:38
25 bridge, are the top three departments with the 10:46:41

1 largest department. Library is approx middle of 10:46:42
2 the pack. 10:46:47
3 Then she writes, quote: Reducing the number 10:46:48
4 of employees, as was mentioned in our meeting, 10:46:49
5 could be a possibility. 10:46:51
6 Were you at one of the library advisory 10:46:53
7 meetings, where they discussed reducing the number 10:46:58
8 of library staff? 10:47:00
9 A. No. 10:47:01
10 Q. Okay. Were you aware they were discussing 10:47:02
11 reducing the number of library staff? 10:47:05
12 A. Not till after I went to a meeting. 10:47:07
13 Q. Okay. Do you have -- did you provide any 10:47:11
14 feedback, one way or another, whether or not that 10:47:21
15 was a good idea? 10:47:25
16 A. Yes. 10:47:26
17 Q. And did you voice that feedback to anyone? 10:47:26
18 A. To -- to the people in the meeting. 10:47:28
19 Q. And what did you say? 10:47:31
20 A. I believe it was with the current 10:47:32
21 conditions, that not hiring some of the staff back, 10:47:50
22 you know, would be fine, because we had some that 10:47:56
23 had left. 10:48:06
24 Q. Okay. So, it was your position that not 10:48:07
25 hiring back some staff members that had departed 10:48:12

1 would be okay. 10:48:17

2 But were you in favor of further reducing 10:48:18

3 the staff of the library? 10:48:20

4 A. No. 10:48:21

5 Q. Okay. Do you think it would make your job 10:48:22

6 harder, as the library director, if the library 10:48:29

7 advisory board reduced your staff? 10:48:33

8 MR. ROGERS: Objection; misstates 10:48:35

9 testimony, assumes facts not in evidence. 10:48:37

10 A. Yeah, the -- 10:48:41

11 Q. (BY MR. GHOSH) You can answer -- 10:48:42

12 A. -- the board wouldn't be able to. They 10:48:43

13 would just be able to suggest it. 10:48:45

14 Q. Okay. That's a good point. Let -- let me 10:48:46

15 rephrase that. 10:48:50

16 If the -- if the County Commissioners and 10:48:50

17 Mr. Cunningham adopted the library board -- library 10:48:54

18 advisory board's recommendation to cut library 10:48:59

19 staff, would that make your job more difficult? 10:49:01

20 A. It would depend on how many they'd cut, yes. 10:49:03

21 Q. Okay. I'm going to open up what is 10:49:07

22 Exhibit 7. 10:49:16

23 (Exhibit 7 is marked.) 10:49:16

24 MR. GHOSH: This is the document, 10:49:27

25 Ms. Milum, and Dwain, that I had just sent you, 10:49:29

1	that I had just e-mailed you.	10:49:32
2	Q. (BY MR. GHOSH) This is a document that is	10:49:41
3	attached as -- a little confusingly, perhaps, to	10:49:43
4	our preliminary injunction motion, Amy Senia's	10:49:46
5	declaration, Exhibit 9. There's no Bates stamp.	10:49:52
6	And before we get into this document, I just	10:50:01
7	want to ask a few brief questions.	10:50:03
8	In and around November of last year,	10:50:05
9	November of 2021, Ms. Milum, did -- did Amber [sic]	10:50:11
10	Wallace reach out to you and others, complaining	10:50:19
11	about inappropriate content at the library?	10:50:21
12	A. No.	10:50:23
13	Q. Okay. Are you aware of Ms. Wallace reaching	10:50:28
14	out to anyone, regarding inappropriate content in	10:50:35
15	the library, in November 2021?	10:50:39
16	A. I don't know if it was November, but I -- I	10:50:40
17	know that she reached out to the Judge, because I	10:50:44
18	did receive an e-mail.	10:50:46
19	Q. Okay. Are you -- do you know what the	10:50:47
20	Krause list is? If I said a Krause list, do you	10:50:51
21	know what that means?	10:50:53
22	A. I've heard of it, but I haven't looked at	10:50:54
23	it.	10:50:56
24	Q. Okay. Are you aware that Ms. Wallace	10:50:56
25	circulated a list to Mr. Cunningham, similar to the	10:51:03

1 Krause list? 10:51:05

2 A. Yes. 10:51:06

3 Q. Okay. And when you say you've heard of the 10:51:06

4 Krause list, what does that mean to you? 10:51:08

5 A. I -- I don't even remember who it was. He 10:51:09

6 came up with a list, and was sending it out to 10:51:16

7 libraries, you know, school libraries, public 10:51:19

8 libraries, or whatever, and wanted people to look 10:51:21

9 at the books. 10:51:24

10 Q. Did -- did -- so -- yeah. Mr. Krause is 10:51:25

11 a -- is a state congressperson. 10:51:29

12 Did he send you, what -- his list? 10:51:31

13 A. No. 10:51:33

14 Q. Okay. So I'm just going to direct your 10:51:33

15 attention, again, to this exhibit here, which is 10:51:39

16 Exhibit 7, if I can get this Screen Share to work. 10:51:43

17 Ms. Wallace had a list of her own. 10:51:54

18 Isn't that right? 10:51:56

19 A. Yes. 10:51:57

20 Q. And these are books that she found 10:51:57

21 offensive, for whatever reason. 10:52:02

22 A. I -- 10:52:03

23 MR. ROGERS: Object to speculation. 10:52:06

24 A. I guess so. 10:52:07

25 Q. (BY MR. GHOSH) At some point, in November 10:52:08

1 or December of 2021, did you see -- did you view 10:52:12
2 this document -- did you review this document, in 10:52:19
3 front of you, Exhibit 7? 10:52:21
4 A. Yes. 10:52:22
5 Q. Okay. And would you say it was between 10:52:22
6 November 10th and November 17, 2021? 10:52:28
7 A. Possibly. 10:52:30
8 Q. Okay. And did you then make any edits to 10:52:36
9 the spreadsheet? 10:52:43
10 A. Yes. 10:52:43
11 Q. And this document, there's some columns 10:52:44
12 added on; the column added to the system, been 10:52:48
13 checked out, and purchased by. 10:52:53
14 Are these columns that you added to the 10:52:54
15 spreadsheet? 10:52:56
16 A. Yes. 10:52:57
17 Q. And did you add these columns because you 10:52:57
18 spoke to anybody about it and somebody suggested 10:53:04
19 that you do so? 10:53:08
20 A. No. 10:53:09
21 Q. Did you speak to anybody about Ms. Wallace's 10:53:09
22 list of books? 10:53:13
23 A. Just the staff. 10:53:14
24 Q. Okay. Did you speak to Mr. Cunningham about 10:53:19
25 this list of books? 10:53:23

1 A. I don't recall. I know that he sent it to 10:53:23
2 me, but I -- I don't recall. 10:53:33
3 Q. Okay. I'll ask something more specific. 10:53:33
4 And if you don't recall, that's okay. 10:53:44
5 Did Mr. Cunningham ever tell you that you 10:53:49
6 should consider removing some of the books on 10:53:52
7 Ms. Wallace's list? 10:53:55
8 A. No. 10:53:56
9 Q. Did Mr. Jerry Don Moss ever tell you that 10:53:56
10 you should consider removing any of the books on 10:54:02
11 Ms. Wallace's list? 10:54:05
12 A. No. 10:54:05
13 Q. Did you shut down the library for three days 10:54:06
14 so you could review whether or not the library had 10:54:07
15 any of these books? 10:54:10
16 A. No. No. 10:54:11
17 Q. Was the library closed for any period of 10:54:28
18 time so that you could review whether or not these 10:54:31
19 books were on the shelves at the library? 10:54:32
20 MR. ROGERS: Objection; asked and 10:54:35
21 answered. 10:54:36
22 A. No. 10:54:36
23 Q. (BY MR. GHOSH) It -- it's your testimony 10:54:42
24 here today that the library wasn't shut down for a 10:54:44
25 single hour so that you could review any of the 10:54:46

1 books on this list? 10:54:48

2 MR. ROGERS: Same objection. 10:54:51

3 A. It wasn't to review books on this list. 10:54:52

4 Q. (BY MR. GHOSH) Oh, okay. So, what was it 10:54:55

5 for, then? 10:54:57

6 A. It was to just review every book on our 10:54:58

7 shelf, to get -- to know what we actually had, 10:55:01

8 because we were all new to the -- to the library. 10:55:03

9 Q. And that happened in November of 2021? 10:55:08

10 A. November or December. 10:55:11

11 Q. Okay. So after you received this list, you 10:55:18

12 did a comprehensive review of every book in your 10:55:21

13 library, just to see what you had? 10:55:24

14 A. Yes. 10:55:26

15 Q. Okay. How -- how often do you do a 10:55:26

16 comprehensive review of every book in the library? 10:55:30

17 A. We do a -- a weeding every August. 10:55:32

18 Q. And what does -- what -- were you at the 10:55:39

19 meeting in August 2019? 10:55:43

20 A. What meeting? 10:55:52

21 Q. The -- the one you just testified to, the 10:55:53

22 one where you conduct sort of this comprehensive 10:55:55

23 review of books. 10:55:58

24 A. Oh. Just every August, each library will 10:56:00

25 either print out a report, or go to the shelves, 10:56:04

1 and look at the books, to weed. 10:56:07

2 Q. Okay. So, during that day in August, is the 10:56:10

3 library closed? 10:56:15

4 A. No. 10:56:16

5 Q. Okay. The library is open for patrons to 10:56:16

6 come in and out? 10:56:21

7 A. Right. 10:56:21

8 Q. Okay. But -- but this time, it didn't 10:56:22

9 happen in August. It happened a -- a little bit 10:56:26

10 later, in -- in November or December, you said. 10:56:28

11 Is that right? 10:56:30

12 A. Right. 10:56:30

13 Q. Okay. And so, you -- did you have a 10:56:31

14 training session where you sort of told your staff, 10:56:36

15 like, what to look for, generally, during this 10:56:40

16 review session? 10:56:42

17 A. No. We were going through the children's 10:56:43

18 section, to see if there was any nudity in books, 10:56:52

19 just to get an idea of what we had on the shelves. 10:57:01

20 Q. You were only going through the children's 10:57:03

21 section, or were you taking a look at the adult 10:57:09

22 section as well? 10:57:12

23 A. Just the children. 10:57:12

24 Q. Okay. After you received Ms. Wallace's 10:57:13

25 list, did you remove any of the books on her list 10:57:22

1	because of complaints about their content?	10:57:25
2	A. No.	10:57:29
3	Q. You previously described to me the CREW	10:57:30
4	weeding method.	10:57:37
5	Do you remember that?	10:57:39
6	A. Yes.	10:57:40
7	Q. And you said there's a number of factors	10:57:40
8	that you can use, such as whether a book is	10:57:42
9	damaged, whether a book is outdated, things like	10:57:45
10	that, but any one factor isn't enough to remove a	10:57:48
11	book.	10:57:51
12	Do you remember that?	10:57:52
13	A. Yes.	10:57:52
14	Q. Okay. And you also previously said -- I	10:57:52
15	asked you about a few books, one of them being,	10:57:58
16	Caste: The Origins of Our Discontents.	11:03:11
17	Do you remember us talking about that?	10:58:06
18	A. Yes.	10:58:07
19	Q. And you said one of the reasons -- or the	10:58:08
20	reason you recall that it might have been removed	10:58:11
21	is because it hadn't been checked out in a few	10:58:15
22	years.	10:58:17
23	Do you recall that conversation that we had?	10:58:17
24	A. Yes. I don't know if I said it about that	10:58:19
25	book, but I remember the other ones.	10:58:21

1 Q. Okay. Do you -- as library director, do you 10:58:22
2 get, like, a notification when a book hasn't been 10:58:25
3 checked out for three years? 10:58:28
4 A. No. 10:58:30
5 Q. Okay. Do you get a notification when a book 10:58:30
6 hasn't been checked out for any period of time? 10:58:33
7 A. No. Just running the reports. 10:58:35
8 Q. Okay. And how often do you run those 10:58:39
9 reports? 10:58:41
10 A. Once a year. I mean, but also, we will go 10:58:42
11 to the shelves, and open the book, look at the due 10:58:45
12 date slip, you know, and check to see when things 10:58:49
13 have been checked out. 10:58:52
14 Q. And is that typically done in August -- at 10:58:52
15 that August meeting you were describing? 10:58:56
16 A. Yes. 10:58:58
17 Q. Okay. And so, in August of last year, you 10:58:59
18 went through and pulled a report, and you looked at 10:59:04
19 how long books were not checked out for. 10:59:08
20 Is that right? 10:59:10
21 A. No. So, actually, getting into the Llano 10:59:11
22 Library, it hadn't been done in a while. 10:59:17
23 Q. So it hadn't been done in 2020 or 2019? 10:59:24
24 A. No -- no. 10:59:26
25 Q. Okay. And do you know why that was? 10:59:27

1 A. I don't. 10:59:29

2 Q. Okay. Can you remind me, what -- what was 10:59:30

3 your position at the library system in 2019? 10:59:36

4 A. The director of the Kingsland Library. 10:59:38

5 Q. Okay. Did -- how often did you run those 10:59:42

6 reports at the Kingsland Library? 10:59:46

7 A. It was every August. 10:59:48

8 Q. Okay. A book not being checked out, for, 10:59:50

9 let's say, three years, is that, by itself, a 11:00:02

10 reason to get rid of it? 11:00:05

11 A. No. You kind of use your own discretion. 11:00:06

12 If you think, well, maybe it'll get checked out, if 11:00:11

13 you put it on display for a little while. Maybe 11:00:15

14 it'll get checked out, if you put in a -- in a 11:00:18

15 different section. 11:00:21

16 Maybe it's a biography and non-fiction, so 11:00:22

17 you try to put it in both sections, if one is not 11:00:29

18 getting checked out. There's -- 11:00:32

19 Q. The point of putting it on a display -- did 11:00:33

20 you have a librarian working for you by the name of 11:00:37

21 Suzette Baker? 11:00:40

22 A. Yes. 11:00:41

23 Q. Okay. She had an idea for a display of 11:00:41

24 books that were banned in other places. 11:00:47

25 Do you recall that? 11:00:48

1 A. Yes. 11:00:49

2 Q. Was that to sort of do what you're 11:00:49

3 describing, raise awareness for some categories of 11:00:51

4 books? 11:00:54

5 A. Yes. 11:00:54

6 Q. Okay. And was that display allowed to 11:00:55

7 remain standing? 11:00:59

8 A. Not at that time. We do the display every 11:01:00

9 year. 11:01:05

10 Q. And who -- who made the decision to pull 11:01:05

11 that display down? 11:01:11

12 A. I did. 11:01:13

13 Q. Okay. Were -- did you have conversations 11:01:13

14 with anybody before you made that decision? 11:01:15

15 A. No. The -- just the Kingsland staff. 11:01:19

16 Q. And why did you ultimately decide to -- to 11:01:25

17 pull that display down? 11:01:28

18 A. Because with everyone complaining about the 11:01:29

19 libraries, and what we had, I didn't want more for 11:01:35

20 them to complain about. But the libraries always 11:01:43

21 do a banned book display during, you know, banned 11:01:48

22 books week. It just wasn't -- 11:01:53

23 Q. Okay. 11:01:54

24 A. -- the time to put it up. 11:01:55

25 Q. So -- so when you say the libraries always 11:01:59

1 do a display during banned book week, so there's -- 11:02:02
2 there's a specific week that celebrates, you know, 11:02:05
3 freedom of speech and banned books. 11:02:07
4 Am I getting that right? 11:02:09
5 A. Yes. 11:02:11
6 Q. And during that week, typically -- or 11:02:11
7 usually, the library has certain books on display 11:02:13
8 that may be banned in other places, but not here -- 11:02:15
9 A. Right. 11:02:18
10 Q. -- in -- in Texas, or other places like 11:02:19
11 that. 11:02:20
12 And you felt it wasn't right to do it last 11:02:21
13 year because of backlash that the library was 11:02:25
14 getting, with regards to what specifically? 11:02:30
15 A. Well, I mean, some of the books, even on 11:02:33
16 this list, are probably on the banned book list. 11:02:42
17 So, just didn't want to bring any -- any more 11:02:45
18 controversy to the library. 11:02:51
19 Q. Okay. 11:02:53
20 A. Even though we have the books for people to 11:02:54
21 check out, it's, you know, don't shove them in 11:02:56
22 everyone's face, I guess. 11:02:59
23 Q. Okay. Do you know if any individuals have 11:03:02
24 requested to check out, just picking a book for 11:03:06
25 example, Caste: The Origins of Our Discontent, this 11:03:10

1 year? 11:03:14

2 A. No. Most people will look at our catalog, 11:03:14

3 and if they don't see it, then they know it's not 11:03:25

4 in our system. 11:03:28

5 Q. Okay. But nobody has specifically come to 11:03:29

6 you, asking for that book, or other similar books? 11:03:31

7 A. I -- I don't recall. We could have it on 11:03:34

8 our request list. 11:03:36

9 Q. Okay. Okay. 11:03:36

10 Here, it says there is a book -- and I will 11:03:42

11 highlight it for you right now. It's this column 11:03:48

12 right here (indicating). 11:03:50

13 And under the purchased by category, it says 11:03:50

14 that you purchased the book, and it was added to 11:03:53

15 the system October 22nd, 2020. And the book is 11:03:55

16 called, How to Be an Antiracist. 11:03:59

17 Do you remember that book? 11:04:03

18 A. A little bit. I remember the title. 11:04:04

19 Q. Okay. Do you know how this book made its 11:04:10

20 way onto Ms. Wallace's list? 11:04:14

21 A. No. 11:04:16

22 Q. Okay. Is that a book that you were ever 11:04:18

23 asked to remove? 11:04:24

24 A. No. 11:04:26

25 Q. Okay. Did you ever restrict any books 11:04:26

1 related -- actually, strike that, please. 11:04:33

2 If I were to say the acronym, CRT, would it 11:04:37

3 mean anything to you? 11:04:43

4 A. Critical race theory. 11:04:44

5 Q. Okay. And you're familiar with that term, 11:04:46

6 generally? 11:04:50

7 A. A little, yeah. 11:04:50

8 Q. Does the library keep books about that 11:04:51

9 subject matter, critical race theory? 11:04:55

10 A. I believe we have the book at the Kingsland 11:04:57

11 Library. 11:05:02

12 Q. Okay. Were you ever asked to restrict 11:05:02

13 access to that book? 11:05:05

14 A. No. 11:05:07

15 Q. Okay. You never put that book behind the 11:05:07

16 front desk so that people would have to ask you for 11:05:20

17 it? 11:05:24

18 A. I believe I did, yeah. 11:05:25

19 Q. And -- 11:05:26

20 A. But we also have other books back there for 11:05:28

21 people to ask for. 11:05:31

22 Q. And how do you determine when a book, you 11:05:32

23 know, gets put behind your desk, versus put up on a 11:05:36

24 shelf for everybody to see? 11:05:40

25 A. It -- it just depends on -- on, like, what 11:05:41

1 it is, where it should be located. 11:05:47

2 Q. Is there a reason why critical race theory 11:05:50

3 was put behind the desk? 11:05:53

4 A. I think a lot of people had an issue with it 11:05:55

5 as well. And -- 11:06:01

6 Q. What -- what was the issue specifically? 11:06:03

7 A. I -- I don't remember. I don't know if -- I 11:06:05

8 think I got it secondhand. I don't think they 11:06:08

9 spoke to me about it. 11:06:10

10 But, yeah, I mean -- and you could look on 11:06:15

11 our catalog and see that it's still there. You can 11:06:16

12 request it. It can be sent to the other libraries, 11:06:19

13 if needed to. 11:06:22

14 Q. Got it. Got it. I just want to come back 11:06:22

15 to the notification system, just for a little bit. 11:06:27

16 And this is a prior exhibit I want to turn to. And 11:06:29

17 I'm going to give the court reporter an exhibit 11:06:32

18 number in just a second, as soon as I find it. 11:06:37

19 This is Exhibit No. 4, which is just at -- 11:06:39

20 the list -- the deletion list that you generated, 11:06:45

21 in March of -- of this year, I want to say. 11:06:47

22 Do you remember when we discussed this list 11:06:53

23 before? 11:06:55

24 A. Yes. 11:06:56

25 Q. Okay. So, Ms. Wallace -- Ms. Bonnie Wallace 11:06:56

1 sent you her list of books, in and around 11:07:08
2 November 11th or 12th. I think you said she sent 11:07:13
3 it between November 10th and 17th. 11:07:16
4 A. Okay. 11:07:19
5 Q. And -- 11:07:19
6 MR. ROGERS: I'm going to object. I 11:07:22
7 think that misstates testimony. I think she said 11:07:23
8 that the library was closed during those dates. 11:07:25
9 MR. GHOSH: I mean, we can -- 11:07:31
10 MR. ROGERS: Maybe just clear it up. 11:07:36
11 MR. GHOSH: Yeah. Sure. I'm 11:07:39
12 just -- I'm just going to re-read the -- the 11:07:39
13 transcript here. 11:07:40
14 QUESTION: And would you say it was 11:07:41
15 between November 10th and November 17th, when you 11:07:43
16 reviewed the list from Ms. Wallace? 11:07:48
17 ANSWER: Possibly. 11:07:51
18 MR. ROGERS: Yes. 11:07:53
19 MR. GHOSH: QUESTION: Okay. And 11:07:54
20 did you make any edits to the spreadsheet? 11:07:55
21 ANSWER: Yes. 11:07:57
22 MR. ROGERS: Okay. Fair. 11:07:57
23 MR. GHOSH: Okay. 11:07:59
24 Q. (BY MR. GHOSH) So I just want to direct 11:08:00
25 your attention to a few highlighted books that were 11:08:05

1 weeded that same week, when -- when you were 11:08:06
2 editing Ms. Wallace's list. 11:08:14
3 Does that make sense? 11:08:17
4 A. Yes. 11:08:18
5 Q. So it looks like there is a book -- a number 11:08:18
6 of books that were removed and weeded, on 11:08:20
7 November 12th, in that same range, when you were 11:08:22
8 editing Ms. Wallace's list. Those books are 11:08:28
9 Freakboy, by Kristin Elizabeth Clark; Shine, by 11:08:32
10 Lauren Myracle; Spinning, by Tillie Walden; Caste: 11:08:35
11 The Origins of Our Discontents, by Isabel 11:03:11
12 Wilkerson; Being Jazz, My Life as a (Transgender) 11:08:42
13 Teen, by Jazz Jennings; They Call Themselves the 11:08:45
14 KKK, the Birth of an American Terrorist Group, by 11:08:48
15 Susan Campbell Bartoletti. 11:08:52
16 These books were all removed on the same 11:09:05
17 day, November 12th, 2021. And they all -- 11:09:07
18 apologies. They all were on Ms. Wallace's list. 11:09:17
19 Would you agree with that statement? 11:09:21
20 A. Yes. 11:09:22
21 Q. Okay. Is there a connection between 11:09:23
22 Ms. Wallace sending you this list, sometime in 11:09:28
23 early November, and you then removing it, a few 11:09:31
24 days later, from the library? 11:09:35
25 A. Yes. 11:09:37

1 Q. What is that connection? 11:09:37

2 A. When I received Bonnie's list, we went and 11:09:42

3 pulled all of those books, to see what everybody 11:09:47

4 was talking about, why these books would be on her 11:09:52

5 list, or the list. 11:09:54

6 And once we got them, and was going through 11:09:55

7 them, we were noticing that none of them were -- 11:09:59

8 well, not none of them, but a lot of them weren't 11:10:03

9 getting checked out. 11:10:05

10 So, we went ahead and did the -- the -- the 11:10:06

11 CREW weeding, and decided, since they're not even 11:10:11

12 getting checked out, it was just brought to our 11:10:14

13 attention. 11:10:17

14 Q. So as you brought -- okay. Okay. 11:10:17

15 Let's talk about Shine, by Lauren Myracle, 11:10:22

16 for a second. It looks like the deletion reason 11:10:24

17 was weeded and not damaged. It looks like it was 11:10:29

18 added to the library January of 2012. Looks like 11:10:35

19 it was deleted November 12th, 2021. It was checked 11:10:38

20 out ten times. The most recent time it was checked 11:10:42

21 out was July 2021. 11:10:46

22 And let's just zoom in on that so that 11:10:47

23 nobody is straining their eyes. 11:10:50

24 A. Thank you. 11:10:52

25 Q. I apologize. This book was checked out 11:10:52

1 within the last three years. Would you agree? I'm 11:10:55
2 talking about Shine, Lauren Myracle, specifically. 11:10:58
3 A. Yes. 11:11:00
4 Q. But it was still weeded. 11:11:01
5 Is that right? 11:11:07
6 A. Yes. So I'm -- I'm not sure, because during 11:11:07
7 that weeding process, it is just kind of an 11:11:11
8 automatic, when we click on the button, and we 11:11:16
9 don't put in a -- a reason. So it -- it could have 11:11:18
10 been, you know, worn. 11:11:29
11 Q. You wouldn't indicate that in a note 11:11:30
12 anywhere, that it was worn? 11:11:33
13 A. No. 11:11:34
14 Q. Okay. Then we have Spinning, by Tillie 11:11:38
15 Walden. That book was added in September of 2018, 11:11:42
16 pretty recently. And it was checked out four 11:11:47
17 times, including most recently in 2019. 11:11:48
18 Why was that removed? 11:11:56
19 A. It would have been about three years. And 11:11:57
20 our -- our teen section was not-- 11:12:06
21 Q. Well, it wouldn't -- it wouldn't have been 11:12:07
22 three years, in November, when you removed it, 11:12:09
23 right? 11:12:11
24 A. Right. It would have been close, yeah. 11:12:11
25 Yeah, our teen section wasn't doing well, and a lot 11:12:16

1 of these books were in our teen area. So it -- it 11:12:18
2 was just probably one that it -- it wasn't getting 11:12:23
3 checked out as much as it should. 11:12:26

4 Q. How about this? Let me ask a slightly 11:12:28
5 different question. 11:12:32

6 Did you remove every single book that wasn't 11:12:32
7 checked out for three years, or slightly less? 11:12:34

8 A. Probably, yeah, so that way, we could get 11:12:37
9 new books in that area. 11:12:42

10 Q. So there are currently no books in the Llano 11:12:43
11 County Library that haven't been checked out for 11:12:51
12 three years, or slightly less? 11:12:53

13 A. No. There -- there probably is, yes. 11:12:55

14 Q. Okay. And the reason why Spinning and Shine 11:13:01
15 were selected to be weeded is because you looked at 11:13:04
16 them because Ms. Wallace had them on her list. 11:13:08

17 Isn't that right? 11:13:11

18 MR. ROGERS: Objection; misstates 11:13:12
19 testimony. 11:13:13

20 A. I'm sorry. Repeat that. 11:13:14

21 Q. (BY MR. GHOSH) The reason that Shine and 11:13:15
22 Spinning were selected to be weeded and reviewed to 11:13:19
23 be weeded, as opposed to other books, were because 11:13:22
24 Ms. Wallace had them on her list. 11:13:27

25 Isn't that right? 11:13:31

1 MR. ROGERS: Same objection. 11:13:31

2 A. That is why we looked at them, yes. 11:13:31

3 Q. (BY MR. GHOSH) And they were on 11:13:33

4 Ms. Wallace's -- 11:13:35

5 A. These were -- 11:13:35

6 Q. They were on Ms. Wallace's list because she 11:13:36

7 disagreed with the content of these books. 11:13:39

8 Isn't that right? 11:13:41

9 MR. ROGERS: Objection; speculation. 11:13:41

10 A. Probably. 11:13:42

11 Q. (BY MR. GHOSH) Are there books in the Llano 11:13:43

12 County Library that -- that you would say contain 11:13:58

13 controversial content, but haven't gotten any 11:14:07

14 complaints? 11:14:09

15 A. Probably. Yes. I mean, I haven't -- 11:14:10

16 Q. Is there a reason -- is there a reason you 11:14:13

17 haven't removed those books? 11:14:15

18 MR. ROGERS: I'm going to object to 11:14:19

19 this as vague, and assumes facts not in evidence. 11:14:20

20 Q. (BY MR. GHOSH) Okay. I'll strike that last 11:14:23

21 question, then. Let's talk about something 11:14:24

22 specific. 11:14:27

23 Game of Thrones, a popular fantasy novel, 11:14:28

24 Llano County carries that book, doesn't it? 11:14:34

25 A. Yes. 11:14:35

1 Q. It contains some -- some violence, some 11:14:36
2 sexual content. 11:14:43
3 Are you familiar with the book? 11:14:44
4 A. No. 11:14:45
5 Q. Okay. Have you watched the show, by any 11:14:46
6 chance? 11:14:49
7 A. I actually haven't. I've heard of it. I've 11:14:49
8 heard that it's violent. 11:14:53
9 Q. So -- so, is there any reason why a book 11:14:57
10 that contains a lot of sexual content and violence 11:15:00
11 would stay on the shelf, but another book which 11:15:04
12 maybe has similar content, gets removed? 11:15:06
13 A. It depends on what age group it's for. So 11:15:08
14 if it is in the adult section, then adults can 11:15:15
15 choose what they're going to read. If it's in a 11:15:19
16 different section, then we look at it a little bit 11:15:21
17 more. 11:15:25
18 Q. Who came up with the three-year cutoff? 11:15:25
19 A. I'm not quite sure. I mean -- and it's -- 11:15:27
20 it's just kind of a guideline. Because when we go, 11:15:36
21 there's -- you know, to -- to look at books, 11:15:39
22 there's so many different things you're looking at. 11:15:42
23 Q. Right. Because as we said, there's certain 11:15:45
24 books, like Spinning, where it has been checked 11:15:48
25 out, at least when you weeded it, within the last 11:15:50

1 two -- within the last three years. 11:15:53

2 A. Right. 11:15:57

3 Q. But it was still weeded. 11:15:57

4 A. And sometimes, we would -- we used to check 11:15:59

5 out new books, other books, to our display. And 11:16:01

6 so, that would actually show a checkout. But then 11:16:04

7 when you would go and look at the report, a person 11:16:07

8 might not have checked it out, you know, but it was 11:16:09

9 on display four times, or -- you -- you know. 11:16:12

10 It -- it could have been that as well. I don't 11:16:14

11 recall. 11:16:16

12 Q. Yeah. And are you able to -- to pull a 11:16:16

13 report, in -- in your sort of ordinary course, of 11:16:20

14 books that haven't been checked out in the last 11:16:26

15 three years, but are still on the shelf? 11:16:28

16 A. Yes. I could probably do a report like 11:16:30

17 that. 11:16:34

18 MR. GHOSH: Okay. I -- I think 11:16:42

19 we're going to take a break in one second. Dwain, 11:16:43

20 we -- we would like to request that -- that report. 11:16:46

21 I understand you may have 11:16:50

22 objections, and -- and, you should state them on 11:16:51

23 the record now. But we would just like to make 11:16:53

24 that document request, if possible. 11:16:55

25 MR. ROGERS: All right. 11:17:01

1 MR. GHOSH: And to be clear about 11:17:02
2 it, we're just asking for the spreadsheet of books 11:17:03
3 that have not been checked out in the past three 11:17:07
4 years, but are still available to be checked out 11:17:09
5 from the library system. 11:17:11

6 And if -- and sorry. Court 11:17:14
7 Reporter, if you could just wait for Mr. Rogers to 11:17:16
8 lodge any response or objection before going off 11:17:19
9 the record. I don't want to cut him off. 11:17:22

10 MR. ROGERS: Sure. And I guess -- I 11:17:25
11 guess the first thing I would object to is that it 11:17:27
12 sounds like that document doesn't exist. And I 11:17:29
13 don't think we have a -- an RFP on file that would 11:17:32
14 be -- that that would necessarily even be 11:17:37
15 responsive to. 11:17:42

16 But, I guess, if we can -- perhaps, 11:17:50
17 what we can do, Pratik, is talk offline and -- 11:17:52

18 MR. GHOSH: Yeah. That -- that's 11:17:56
19 totally fine. I just wanted to give you the 11:17:57
20 opportunity -- I made a request. I didn't want 11:17:58
21 to -- I didn't want to have the last request for no 11:18:00
22 reason -- 11:18:02

23 (Multiple voices.) 11:18:03

24 MR. ROGERS: Understood. 11:18:03
25 Understood. But I will lodge those objections at 11:18:04

1 this time, and then maybe we can discuss. 11:18:06

2 MR. GHOSH: Definitely. Okay. 11:18:08

3 Let's take a ten-minute break, and we can 11:18:09

4 reconvene. Thank you so much. 11:18:12

5 THE VIDEOGRAPHER: Okay. Going off 11:18:13

6 the record at 11:18. 11:18:14

7 (Break.) 11:18:16

8 THE VIDEOGRAPHER: We're back on the 11:37:57

9 record at 11:37. 11:37:59

10 Q. (BY MR. GHOSH) So, Ms. Milum -- Ms. Milum, 11:38:01

11 sorry, right before we went on break, we talked 11:38:10

12 about a few books that were removed in November of 11:38:13

13 2021. 11:38:21

14 Do you recall that conversation? 11:38:21

15 A. Yes. 11:38:22

16 Q. Let me just put that document back on the 11:38:22

17 screen, so you have it handy. 11:38:24

18 So, I just wanted to go through these, I 11:38:38

19 guess, six books, that were both on Ms. Bonnie 11:38:41

20 Wallace's list, and also on the deletion list that 11:38:52

21 was generated in March. 11:38:58

22 The first one on the list here being 11:38:59

23 Freakboy, by Kristin Elizabeth Clark. You'd agree 11:39:03

24 that this book was on Ms. Wallace's list. 11:39:07

25 Is that right? 11:39:12

1 A. I believe so. 11:39:13

2 Q. And then, a few days after, you know, 11:39:13

3 reviewing that list, and editing that list, it was 11:39:16

4 then removed from the Llano County Library. 11:39:19

5 Is that right? 11:39:24

6 A. Yes. 11:39:24

7 Q. And what was the reason for that removal? 11:39:25

8 A. Because it had not been checked out in many 11:39:29

9 years -- or was only checked out once in many 11:39:33

10 years. 11:39:36

11 Q. Was there any other reason? 11:39:36

12 A. No. 11:39:37

13 Q. Okay. Next book is Shine, by Lauren 11:39:39

14 Myracle. That book was on Ms. Bonnie Wallace's 11:39:45

15 list, right? 11:39:54

16 A. I believe so. 11:39:55

17 Q. And a few days after you reviewed and 11:39:57

18 revised that list, it was then weeded from the 11:40:01

19 Llano County Library, right? 11:40:03

20 A. Yes. 11:40:04

21 Q. And what was the reason it was weeded? 11:40:04

22 A. I don't recall. If -- I know it shows that 11:40:07

23 it was checked out ten times, but that could have 11:40:08

24 been displays. It could have been just it hadn't 11:40:15

25 been checked out enough in the time period. 11:40:16

1 Q. Okay. When you say it hasn't been -- hadn't 11:40:18
2 been checked out enough times in the time period, 11:40:23
3 is there sort of a minimum number of times a book 11:40:26
4 needs to be checked out, for it to not be weeded? 11:40:29

5 A. No. But you want books to get -- just keep 11:40:32
6 flying off the shelves, because then you even know 11:40:35
7 that they liked that type of book, and you know, 11:40:38
8 you can get more of -- more of that kind. 11:40:40

9 Our hope, when we saw Bonnie's list, was 11:40:42
10 that all of these books were going to have been 11:40:49
11 checked out, and there -- there wasn't going to be, 11:40:51
12 you know, an issue; that people liked all of these 11:40:54
13 books, they were getting checked out. 11:40:57

14 But when we started pulling them off the 11:40:58
15 shelf to look at them, we just noticed that some of 11:41:02
16 these books were -- were never getting checked out. 11:41:04

17 Q. You just said: Our hope, when we saw 11:41:07
18 Bonnie's list, was that all of these books were 11:41:18
19 going to have been checked out. 11:41:20

20 You meant in the past, right, and not that 11:41:24
21 you were hoping that they'd be checked out in the 11:41:26
22 future? 11:41:28

23 A. Right, in the past. 11:41:28

24 Q. Okay. Okay. Let's go to Spinning, by 11:41:29
25 Tillie Walden. 11:41:35

1 This book was on Ms. Bonnie Wallace's list, 11:41:36
2 right? 11:41:41
3 A. I believe so. 11:41:41
4 Q. And a few days after reviewing that list, 11:41:41
5 this book was then weeded from the Llano County 11:41:47
6 Library system. 11:41:56
7 Isn't that right? 11:41:57
8 A. Yes. 11:41:58
9 Q. And what was the reason for that? 11:41:58
10 A. It could have been checkouts, or looking 11:42:00
11 like it's worn. If they're too close to the 11:42:02
12 windows, they will start turning colors as well. 11:42:05
13 Q. Okay. And do you keep any records, when a 11:42:07
14 book gets worn? Is there any record of that? Is 11:42:14
15 there any, like, a database where you keep record 11:42:20
16 of book damage? 11:42:22
17 A. No. We -- if something comes in that is 11:42:23
18 of -- a little damaged, you know, bent pages, 11:42:28
19 something like that, we do try to put a note in the 11:42:32
20 book. So that way, the next person that checks it 11:42:34
21 out, you know, isn't liable for -- for those 11:42:37
22 damages. 11:42:40
23 But after something is weeded, we don't -- 11:42:41
24 you know, so we would also look inside the book 11:42:46
25 cover, to see if there were any notes. 11:42:48

1 Q. Okay. So, for example, you -- you don't 11:42:51
2 know for certain if Spinning was -- was damaged? 11:42:52
3 A. No, I don't. 11:42:57
4 Q. Okay. And you don't know for certain if 11:42:58
5 Shine was damaged, when it was weeded? 11:42:59
6 A. No. 11:43:02
7 Q. Okay. So you -- at this time, you aren't 11:43:02
8 able to provide a reason why Spinning was weeded? 11:43:09
9 A. It was either the -- the checkouts, or -- or 11:43:12
10 being, you know, damaged. 11:43:17
11 Q. Okay. Next, we have, Caste: The Origins of 11:43:19
12 Our Discontents, by Isabel Wilker -- Wilkerson. 11:43:26
13 This was on Ms. Bonnie Wallace's book -- or list. 11:43:31
14 Is that right? 11:43:33
15 A. Yes. 11:43:34
16 Q. A few days after Ms. Wallace issued that 11:43:34
17 list, it was then removed from the Llano County 11:43:42
18 Library. 11:43:46
19 Is that right? 11:43:46
20 A. Yes. 11:43:47
21 Q. And what was the reason for removing this 11:43:47
22 book? 11:43:49
23 A. This one, I'm not actually quite sure, 11:43:49
24 because it does look like it was a new book and 11:43:53
25 being checked out. It -- it could possibly be 11:43:55

1 maybe it was damaged, within those three checkouts, 11:44:01
2 or it was in the wrong -- wrong pile. Because 11:44:04
3 it -- it was new. So I don't recall what -- what 11:44:10
4 was wrong with it -- 11:44:15
5 Q. I'm sorry -- 11:44:15
6 A. -- if -- if it was damaged. 11:44:16
7 Q. What do you mean, the wrong pile? 11:44:16
8 A. When we went to get books, you know, we had 11:44:19
9 the books that weren't getting checked out, we 11:44:24
10 would put in a pile. And you know, the books that 11:44:26
11 were getting checked out, we were putting back on 11:44:29
12 the shelves. So maybe it -- it just got in the 11:44:31
13 wrong -- wrong stack. 11:44:34
14 Q. So it -- Caste: The Origins of Our 11:44:36
15 Discontents, which was added to the library in 11:44:41
16 December of 2020, and then, weeded a few months 11:44:43
17 later, might have been damaged, you're saying? 11:44:47
18 A. It -- it's possible, yeah. 11:44:50
19 Q. Isn't it also possible that it was removed 11:44:52
20 because folks disagreed with its content? 11:44:55
21 A. No. 11:45:01
22 Q. Why is that second thing not possible? 11:45:01
23 A. Because I don't -- I didn't talk to anyone 11:45:06
24 about the book. I don't have any notes of people 11:45:09
25 not -- not liking that. So it would -- it wouldn't 11:45:12

1 have been deleted for that. 11:45:18

2 Q. You don't -- you don't know that it was 11:45:22

3 damaged, correct? 11:45:24

4 A. Correct. 11:45:25

5 Q. One way or another? 11:45:25

6 A. Right. I -- I don't remember. 11:45:27

7 Q. And there's no actual record of it being 11:45:29

8 damaged. There's not, like, a piece of paper that 11:45:33

9 says, hey, these books were damaged when we 11:45:34

10 reviewed them. 11:45:36

11 A. No. 11:45:37

12 Q. Okay. But there is a record of Ms. Wallace 11:45:37

13 complaining about it, and disagreeing with it, and 11:45:44

14 calling books like this filth, right? 11:45:50

15 MR. ROGERS: Objection; assumes 11:45:56

16 facts not in evidence, vague. 11:45:58

17 Q. (BY MR. GHOSH) You can answer the question. 11:45:59

18 A. In the e-mail, yes. 11:46:01

19 Q. And shortly after she made that description 11:46:02

20 of this book, it was removed, right? 11:46:06

21 A. Yes. 11:46:08

22 Q. The next book, Being Jazz, My Life as a 11:46:08

23 (Transgender) Teen -- Teen, sorry, by Jazz 11:46:16

24 Jennings. This book was on Ms. Wallace's list, 11:46:19

25 right? 11:46:25

1 A. Yes. 11:46:25

2 Q. Okay. A few days after she issued that 11:46:26

3 list, it was removed from the Llano County Library. 11:46:29

4 Is that right? 11:46:31

5 A. Yes. 11:46:32

6 Q. And what -- what is the reason it was 11:46:32

7 removed? 11:46:34

8 A. Because it had only been checked out once 11:46:34

9 in -- what is it, five -- couple of years. 11:46:40

10 Q. Okay. 11:46:43

11 A. And there was also another one at the 11:46:44

12 Kingsland Library. So if anybody wanted it, they 11:46:52

13 could check out that one. 11:46:55

14 Q. Where do you see that there was another one 11:46:56

15 in the Kingsland branch? 11:46:58

16 A. It's not on this spreadsheet, but I knew 11:46:59

17 that there was. And that's also, when we go to 11:47:01

18 weed books, we see if there's -- it's available at 11:47:03

19 the other libraries as well. 11:47:07

20 Q. I see. Okay. Where would that information 11:47:08

21 be made available? 11:47:11

22 A. On our catalog. 11:47:12

23 Q. Okay. 11:47:15

24 A. For patrons, on our catalog. 11:47:15

25 Q. Okay. Is there a reason why that wasn't 11:47:20

1 included as the deletion reason? 11:47:25

2 A. It seems, when we do reports, if it is a -- 11:47:27
3 a problem on a patron's account, it will let us put 11:47:37
4 in a reason why it's there. And then, once that is 11:47:43
5 deleted, it would have it on our reports, as it 11:47:46
6 being chewed up by the dog, or water spilled on it, 11:47:48
7 or -- or something like that. 11:47:52

8 But it seems, when we go in just to do 11:47:53
9 our -- our normal weeding, where we just click on 11:47:56
10 the barcode, and click the delete button, it's not 11:47:59
11 giving us a -- a deletion reason. So, it will -- 11:48:03
12 it'll just say weeded. 11:48:07

13 Q. Okay. If I wanted to check out Being Jazz, 11:48:08
14 from -- and I was a card-carrying member, right 11:48:19
15 now, could I do so? 11:48:22

16 A. Right now, the book is checked out. It is 11:48:23
17 missing. As soon as the patron brings it back, you 11:48:28
18 would be on reserve for it. 11:48:34

19 Q. Okay. Do you know how long that book has 11:48:35
20 been missing for? 11:48:37

21 A. I -- it's been a few months. I looked it 11:48:37
22 up. And where -- 11:48:40

23 Q. Is it similar to one of those situations 11:48:43
24 with Ms. Wells, who was keeping a book from 11:48:46
25 patrons? 11:48:49

1 MR. ROGERS: Objection; speculation. 11:48:52

2 A. I hope not. They -- they've checked out a 11:48:52

3 number of books, and we're -- we're trying to get 11:48:54

4 them back. 11:48:56

5 Q. (BY MR. GHOSH) Do you know who they -- who 11:48:57

6 they -- they are? 11:48:58

7 A. I don't -- I don't know the patron. 11:48:58

8 Q. Okay. 11:49:00

9 A. No. 11:49:00

10 Q. Okay.

11 A. But yes, you could be put on reserve for a 11:49:04

12 book. And when it was returned, it would notify 11:49:06

13 you. 11:49:09

14 Q. Okay. And then, how many copies of Being 11:49:09

15 Jazz does the library currently hold? 11:49:18

16 A. Right now, it's just one. 11:49:20

17 Q. Okay. 11:49:21

18 A. Sometimes, all three libraries will have the 11:49:22

19 same book, so we have enough for everyone. 11:49:24

20 Q. And -- and is that the standard practice, to 11:49:26

21 have three copies of -- of most books so that, 11:49:30

22 depending -- whichever branch you go to, you can 11:49:32

23 grab that book? 11:49:36

24 A. If it's the -- the most popular authors -- 11:49:36

25 Q. Yeah.

1 A. -- yes, that everybody is wanting, then, 11:49:40
2 yes, we will have three copies. 11:49:42
3 Q. Okay. So, for example, let's just go back 11:49:44
4 to Caste. 11:49:47
5 Were there three copies of Caste? 11:49:48
6 A. I actually don't recall. I don't think 11:49:50
7 there's another one in the system right now, but 11:49:53
8 I -- I would have to go check. 11:49:58
9 Q. Do you plan on purchasing it again, given 11:49:59
10 that it seemed to have been checked out a few times 11:50:01
11 in a few short months, that it was purchased? 11:50:04
12 A. I probably would, not knowing why it was 11:50:06
13 deleted, because it was brand new. 11:50:11
14 Q. I see. Were there three copies of Spinning, 11:50:13
15 by Tillie Walden? 11:50:17
16 A. I -- I don't believe so. 11:50:19
17 Q. Okay. Were there -- 11:50:25
18 A. Kingsland would have possibly had one, but 11:50:28
19 I -- I don't believe so. 11:50:30
20 Q. Were there three copies of Shine? 11:50:30
21 A. I don't -- I don't recall. 11:50:33
22 Q. Okay. 11:50:40
23 A. Because if there was, Kingsland would 11:50:40
24 probably have it. They have a really good youth 11:50:42
25 following. 11:50:44

1 Q. Okay. And to your knowledge, was -- can 11:50:45
2 I -- can I check out Shine from any branch of the 11:50:51
3 Llano County Library System? 11:50:56
4 A. I -- I don't know if it's in our system. 11:50:56
5 Q. Okay. They Called Themselves the KKK, The 11:50:59
6 Birth of an American Terrorist Group, by Susan 11:51:05
7 Campbell Bartoletti, this was on Ms. Bonnie 11:51:11
8 Wallace's list. 11:51:15
9 Isn't that right? 11:51:19
10 A. Yes. 11:51:20
11 Q. Okay. A few days after that, it was removed 11:51:20
12 from the Llano County Library System. 11:51:21
13 Isn't that right? 11:51:23
14 A. Yes. 11:51:23
15 Q. Okay. And what's the reason it was removed? 11:51:24
16 A. It had only been checked out twice, in, what 11:51:28
17 is that, ten -- ten years. It -- 11:51:32
18 Q. Is there any another reason? 11:51:34
19 A. No. It -- it's a junior, non-fiction book. 11:51:39
20 And they're -- they're not doing really well on our 11:51:43
21 shelves right now. 11:51:46
22 Q. Okay. I'm going to just pull this document 11:51:47
23 down for a little bit. 11:51:55
24 MR. ROGERS: Also, Counsel, just for 11:51:59
25 the record's sake, regarding that exhibit, the -- 11:52:03

1 the highlighting was done by your office. That 11:52:05
2 wasn't something from the document. 11:52:08
3 Is that correct? 11:52:09
4 MR. GHOSH: That's right. That's 11:52:09
5 right. The -- the document, as produced, does not 11:52:10
6 have any highlighting, to the best of my knowledge. 11:52:13
7 MR. ROGERS: Thank you. 11:52:16
8 MR. GHOSH: Yep. 11:52:17
9 Q. (BY MR. GHOSH) I'm going to just briefly go 11:52:21
10 to a different topic. We -- we may come back to 11:52:26
11 these books in a little bit. But I'd like to talk 11:52:29
12 to you a little bit about OverDrive. 11:52:31
13 Are -- are you -- are you familiar with -- 11:52:33
14 with what that is? 11:52:35
15 A. Yes. 11:52:36
16 Q. And -- and what is OverDrive? 11:52:36
17 A. It was an online reading system for our 11:52:38
18 patrons. 11:52:46
19 Q. Okay. And when was -- does -- does the 11:52:46
20 library still have a subscription with OverDrive? 11:52:55
21 A. No. 11:52:59
22 Q. Okay. When was that relationship 11:52:59
23 terminated? 11:53:02
24 A. I believe in December. 11:53:02
25 Q. Okay. And what was the -- what was the 11:53:06

1 cause of that termination? 11:53:10

2 A. There was not a way for us to put filters on 11:53:12

3 for children not being able to see what their 11:53:25

4 parents described as inappropriate items. 11:53:30

5 Q. Okay. And were there any solutions 11:53:32

6 discussed that weren't terminating the -- the 11:53:41

7 platform? 11:53:44

8 A. Yes. 11:53:44

9 Q. Okay. I'm going to put up one e-mail, for 11:53:51

10 you, right now. It is an e-mail from Mr. Ron 11:53:54

11 Cunningham, to you, dated December 1, 2021. Let -- 11:54:03

12 let me zoom in a little bit more, so we can all get 11:54:07

13 a good look. 11:54:14

14 MR. GHOSH: This will be Exhibit 6, 11:54:18

15 I believe. 11:54:26

16 THE REPORTER: 8. 11:54:26

17 MR. GHOSH: My apologies. This will 11:54:26

18 be Exhibit 8. Yeah, you're right. You're right. 11:54:29

19 Exhibit 8. 11:54:30

20 (Exhibit 8 is marked.) 11:54:31

21 Q. (BY MR. GHOSH) Do you recognize this 11:54:31

22 e-mail? It's from Ron Cunningham, to you, dated 11:54:38

23 December 1st, 2021, at 5:44 p.m. 11:54:42

24 A. Yes. 11:54:44

25 Q. Okay. Can you explain what filters were 11:54:44

1 being discussed here? 11:54:51

2 A. The filters for OverDrive, when you log in, 11:54:52

3 you can go into your account, and click on boxes of 11:55:03

4 what type of content you want to see. 11:55:08

5 And that is their filter. There's no 11:55:10

6 password to get in. You just automatically click 11:55:16

7 on what you want, and that's the items that you 11:55:19

8 will see first, for checkout. 11:55:20

9 Q. Okay. And -- and did you ask the OverDrive 11:55:22

10 company, or -- ad -- administrators, if they could 11:55:25

11 install filters for you? 11:55:29

12 A. Yes. They said that is the only filters 11:55:30

13 that they have. So, it is easy for minors to get 11:55:34

14 on and switch those filters, if they want to look 11:55:41

15 at, you know, something else, that their parents 11:55:45

16 didn't like. And that they didn't have any other 11:55:47

17 alternatives for us. 11:55:52

18 Q. Okay. Were there any filter options that 11:55:53

19 you think would have been acceptable to 11:56:01

20 Mr. Cunningham? 11:56:04

21 A. We did -- or -- yes. 11:56:04

22 Q. Okay. 11:56:12

23 A. Yeah. 11:56:16

24 Q. And can you explain what those options were? 11:56:16

25 A. We went through our Apollo library system, 11:56:19

1 and we got it to where all minors' cards are 11:56:26
2 blocked from using online resources. 11:56:32
3 Q. And did that require making a new library 11:56:34
4 card application? 11:56:42
5 A. No. 11:56:43
6 Q. Okay. What -- what did that require? 11:56:48
7 A. Actually, nothing. I just had to go into 11:56:51
8 the system, and click a button, after talking to 11:56:57
9 the Apollo people. 11:57:06
10 And they helped showing me what to -- to 11:57:07
11 click on, you know, to get them to where they 11:57:11
12 didn't have access to it. And then it was -- it 11:57:14
13 was ready. 11:57:18
14 Q. Got it. And this was something that was 11:57:20
15 discussed -- was it towards the end of December of 11:57:26
16 last year? 11:57:28
17 A. Probably. 11:57:28
18 Q. Okay. I'm just going to put another 11:57:34
19 document up. This is Milum 3 RFP 00485, 11:57:36
20 introducing as Exhibit No. 9. 11:57:41
21 (Exhibit 9 is marked.)
22 Q. (BY MR. GHOSH) This is an e-mail that you 11:57:42
23 sent to Suzette Baker and Melissa Macdougall, on 11:57:43
24 December 28th, 2021. You say here you've attached 11:57:49
25 a new card form. Please look it over and see what 11:57:52

1 may need to be added, or if something else needs to 11:57:55
2 be worded differently, let me know. 11:57:58
3 Do you recall this -- this communication? 11:58:00
4 A. Yes. 11:58:01
5 Q. Okay. Why were you developing a new card 11:58:01
6 form? 11:58:06
7 A. Our new card form had OverDrive information 11:58:07
8 on it. And we were trying to put on there that 11:58:14
9 minors would not have access to OverDrive, unless 11:58:18
10 it was through the patrons -- or the parents' card. 11:58:22
11 Q. Okay. So it would be sort of an agreement, 11:58:26
12 between the cardholder and the library? 11:58:27
13 A. Right. 11:58:31
14 Q. Okay. And was that an acceptable solution 11:58:31
15 to Mr. Cunningham and Mr. Moss? 11:58:34
16 A. No. I don't -- I don't believe the -- the 11:58:36
17 form ever really got finished. 11:58:46
18 Q. Okay. Why was this option rejected? 11:58:47
19 A. I -- I don't recall. I think other people 11:58:49
20 spoke at Commissioners Court, but I don't -- I 11:59:03
21 don't recall the -- the reason. 11:59:06
22 Q. Okay. Okay. Do you remember -- so -- so, 11:59:07
23 on the same day, December 28th, it seems like 11:59:13
24 you're on a number of e-mails with -- with your 11:59:17
25 staff, Melissa Macdoug -- Macdougall, and Suzette 11:59:19

1 Baker. And they're discussing these options -- 11:59:24
2 this option of a new sort of form, that 11:59:26
3 acknowledges that parents have to be responsible 11:59:28
4 for what their children view. 11:59:30
5 Do you remember the rest of this 11:59:33
6 communication thread, this e-mail thread? 11:59:35
7 A. Yes. 11:59:38
8 Q. Okay. And I can scroll through the rest of 11:59:42
9 it, just so you can take a look before we go on. 11:59:44
10 (The witness peruses the document.) 11:59:48
11 A. Okay. 12:00:02
12 Q. (BY MR. GHOSH) The -- the alternate system 12:00:03
13 that the library currently has, the Web-based 12:00:06
14 system, to access books, can children access those 12:00:09
15 books? 12:00:13
16 A. No. 12:00:13
17 Q. And -- and why is that? 12:00:14
18 A. Because I still have it set up to where 12:00:18
19 minors do not have access to online resources. 12:00:22
20 Q. Okay. And what prevents them from accessing 12:00:25
21 that? Is there, like, a technical, you know, 12:00:34
22 function that prevents children from accessing 12:00:36
23 those books. Or -- or what is it specifically? 12:00:38
24 A. Yes. So, I've gone into our Apollo system 12:00:40
25 and checked the box, do not allow minors. And so 12:00:44

1 when we put their information into our system, it 12:00:48
2 has their birth dates. It labels them as a child 12:00:51
3 or teen. And it will not let their card numbers, 12:00:53
4 like, go through. 12:00:58

5 Q. Okay. Okay. Got it. I just wanted to 12:00:58
6 briefly talk about the library advisory board. 12:01:12

7 Since the formation of the board, were you 12:01:16
8 tasked with providing the board with any reports? 12:01:22

9 A. Yes. 12:01:27

10 Q. And what kind of reports did you have to 12:01:27
11 provide? 12:01:29

12 A. Whatever they asked for. 12:01:29

13 Q. And what are some of the documents they 12:01:33
14 asked for? 12:01:35

15 A. You know, like how many books are getting 12:01:35
16 checked out, how many people are coming in, things 12:01:39
17 like that. 12:01:44

18 Q. Okay. Did they ask any questions, or 12:01:44
19 request any information about the kind of content 12:01:48
20 the book -- that the library carried? 12:01:51

21 A. No. 12:01:55

22 Q. Did they give any recommendations regarding 12:01:55
23 what new books should be added? 12:02:03

24 A. I -- I don't recall. 12:02:06

25 Q. Okay. Do you recall any instance in which 12:02:15

1 Ms. Bonnie Wallace asked that the board get 12:02:29
2 approval rights for any new purchases you make on 12:02:32
3 the library? 12:02:41
4 A. Yes. 12:02:42
5 Q. And what was your reaction to that? 12:02:42
6 A. I went and, I believe, gave them a list of 12:02:44
7 what we were looking at. 12:02:59
8 Q. Okay. Has the library board ever sought to 12:03:00
9 reverse or change any purchasing decisions that 12:03:16
10 you've made? 12:03:19
11 A. Yes. 12:03:19
12 Q. Okay. And how many times has that happened? 12:03:22
13 A. Once. 12:03:26
14 Q. Okay. Do you know when that occurred? 12:03:28
15 A. Possibly March. 12:03:38
16 Q. Okay. And do you know what the objection -- 12:03:50
17 what the board's objection was to the books you 12:03:55
18 purchased or you wanted to purchase, I guess? 12:03:59
19 A. They didn't believe that the patrons would 12:04:02
20 check them out. 12:04:06
21 Q. Okay. And did they give you a reason why? 12:04:09
22 A. They didn't believe that it was right for 12:04:11
23 our demographics. 12:04:17
24 Q. For -- for which demographic? 12:04:18
25 A. Llano County. 12:04:22

1 Q. Okay. Beyond that it wasn't right for Llano 12:04:23
2 County, did they say anything else? 12:04:26
3 A. I -- I don't think so. Because they were 12:04:28
4 giving me papers about the demographic, and they 12:04:41
5 just didn't think they would get checked out. 12:04:45
6 Q. Got it. Are they similarly -- is the board 12:04:47
7 similarly making any feedback, giving you any 12:04:55
8 feedback, regarding maybe the removals or the 12:04:59
9 weeding process that you undertake on an annual 12:05:08
10 basis? 12:05:11
11 A. No. 12:05:11
12 Q. Have they asked to attend the weeding 12:05:13
13 process this year? 12:05:16
14 A. No. 12:05:17
15 Q. If they did, what would you say? 12:05:17
16 A. No. And we don't really need help, and too 12:05:25
17 many people would make it more confusing. 12:05:27
18 Q. I'm going to put up as Exhibit 10, an e-mail 12:05:28
19 you received from Ron Cunningham, on November 10th, 12:05:42
20 2021. This is Exhibit 7 to the Senia declaration 12:06:02
21 for Plaintiffs' preliminary injunction motion. 12:06:05
22 (Exhibit 10 is marked.)
23 Q. (BY MR. GHOSH) I'm -- I just want to give 12:06:13
24 you some time to review this e-mail before I ask 12:06:14
25 any questions about it. Just let me know once 12:06:16

1 more kind of discussing the children's area. 12:07:51

2 Q. But he didn't limit his instruction to you 12:07:54

3 to just the children's area, right? It was to the 12:07:59

4 whole library. 12:08:01

5 Actually, strike that question. Let me -- 12:08:01

6 let me ask it a slightly different way that's a 12:08:10

7 little clearer, I think. 12:08:12

8 This e-mail wasn't limited to the children's 12:08:13

9 area, right? 12:08:16

10 A. Right. 12:08:17

11 Q. And so that was your review that you 12:08:17

12 undertook as response to this e-mail, that also 12:08:21

13 wasn't limited to the children's area, right? 12:08:24

14 A. We did the children's, the juniors, and the 12:08:26

15 young adult. 12:08:30

16 Q. And you -- so despite Ron Cunningham asking 12:08:31

17 you to remove any and all books, you didn't review 12:08:36

18 the adult section? 12:08:39

19 A. No. 12:08:40

20 Q. Okay. But a day later, you did remove books 12:08:41

21 in the adult section. 12:08:49

22 Is that right? 12:08:50

23 A. I -- I don't know. 12:08:51

24 Q. Well, let's -- let's go back to the -- I'm 12:08:54

25 terrible with exhibit numbers. I believe it's 12:09:02

1 Exhibit 4, but I could be wrong. 12:09:08

2 Let's go back to the -- the -- the weeding 12:09:10

3 list, right? 12:09:12

4 A. Okay. 12:09:12

5 Q. These books were removed on November 12th, 12:09:12

6 it looks like. This e-mail was sent on 12:09:17

7 November 10th, right? 12:09:19

8 So that's two days after Mr. Cunningham 12:09:20

9 says, remove all books that depict any type of 12:09:24

10 sexual activity. You removed Freakboy, Shine, 12:09:27

11 Spinning, Being Jazz, and a few others. 12:09:32

12 Would you agree that these removals happened 12:09:35

13 two days after Ron Cunningham asked you to remove 12:09:46

14 any and all books depict -- depicting sexual 12:09:49

15 activity? 12:09:52

16 A. Yes. 12:09:52

17 Q. Okay. A month after you also terminated, or 12:09:52

18 made the decision to terminate, access to 12:10:01

19 OverDrive, was that also pursuant to Ron 12:10:04

20 Cunningham's instruction? 12:10:08

21 A. It was because of the -- the filters that we 12:10:08

22 couldn't -- couldn't do the -- the filters on 12:10:15

23 there. 12:10:27

24 Q. How long has the library had OverDrive for? 12:10:27

25 A. I believe it was around ten years. 12:10:31

1 Q. Okay. The next exhibit, which I believe is 12:10:37
2 11, is Bates stamped Milum 2 RFP-00310. I'm going 12:10:54
3 to pull it up, and we can walk through this 12:11:03
4 document. I'm going to give you a chance to read 12:11:08
5 it before I ask any questions, as we have been 12:11:10
6 doing. 12:11:12

7 (Exhibit 11 is marked.) 12:11:12

8 Q. (BY MR. GHOSH) Here is this e-mail. It's 12:11:17
9 titled, Bibliotheca. It's from Bonnie Wallace, 12:11:18
10 dated April 13th, 2022, to you. 12:11:22

11 Let me know once you're done with this page, 12:11:25
12 and we can go to the next one. I just want to give 12:11:27
13 you the chance to read this before we go on. 12:11:29

14 A. Okay. 12:11:32

15 (The witness peruses the document.) 12:11:33

16 A. Okay. 12:12:25

17 Q. (BY MR. GHOSH) Okay. Before, we talked 12:12:26
18 about Ms. Wallace and the advisory board maybe 12:12:29
19 being involved, or providing direction, in the book 12:12:38
20 purchasing process. 12:12:41

21 Do you remember that? 12:12:42

22 A. Yes. 12:12:43

23 Q. Okay. Is this April 13th exchange an 12:12:43
24 example of the library board being involved in 12:12:50
25 directing you to buy or not buy certain books? 12:12:53

1 MR. ROGERS: Objection; assumes 12:13:00
2 facts not in evidence. 12:13:03
3 Q. (BY MR. GHOSH) You can answer the question. 12:13:03
4 A. Yeah, could you repeat it, please? 12:13:05
5 Q. Sure. Is this exchange an example of the 12:13:07
6 library board directing you to purchase or not 12:13:10
7 purchase certain books? 12:13:13
8 MR. ROGERS: Same objection. 12:13:16
9 A. Yes. 12:13:17
10 Q. (BY MR. GHOSH) Okay. Ultimately, what was 12:13:17
11 Ms. Wallace's objections to the books that you were 12:13:25
12 attempting to purchase, on April 13th? 12:13:27
13 A. Some were because of the -- the demographic; 12:13:29
14 they didn't think they would be checked out. 12:13:38
15 And the audio books are because the audio 12:13:40
16 books are more expensive, and there was a different 12:13:46
17 way that we could have access to audio books 12:13:48
18 without having to pay for them. 12:13:50
19 Q. What were the sort of books you were trying 12:13:55
20 to buy? Do you remember? It was April. So not 12:13:56
21 that long ago, in April 13th, 2022. 12:14:00
22 A. I -- I don't recall, because a 12:14:02
23 representative from Cloud Library, she put together 12:14:08
24 the book list. And mainly, I just went in there 12:14:13
25 and took all of the young adult, children's books 12:14:17

1 out, and then purchased the list. 12:14:22

2 Q. Did you -- when you were reviewing the list, 12:14:27
3 after taking out the young adults, and children's 12:14:29
4 books, did you have any objections where you -- did 12:14:31
5 you have a similar impression of, like, oh, nobody 12:14:33
6 is going to read these books? 12:14:36

7 A. No. 12:14:38

8 Q. Well, what was your impression of the books 12:14:38
9 that you wanted to purchase? 12:14:43

10 A. I -- I thought it was fine. I thought there 12:14:43
11 was just a bunch of just different -- different 12:14:46
12 genres, different authors, something for everybody. 12:14:48

13 Q. When the library advisory board was set up, 12:14:52
14 I think you said back in January. 12:14:56

15 Is that right? 12:14:57

16 A. I believe so. 12:14:57

17 Q. When it was set up, when the board was set 12:14:59
18 up back in January, were you informed that they 12:15:02
19 would be making selection decisions? 12:15:06

20 A. No. 12:15:08

21 Q. Do you expect them to continue making 12:15:09
22 selection decisions going forward, now that they 12:15:15
23 have? 12:15:18

24 A. No. 12:15:18

25 Q. Why -- why do you think this is a one-off 12:15:18

1 situation? 12:15:24

2 A. I had told them that we weren't going to 12:15:24

3 switch anything out, that these books were fine, 12:15:31

4 and -- I don't know. It -- that was -- that was 12:15:34

5 the end that I remember. 12:15:44

6 Q. Okay. But they certainly can tell you, you 12:15:45

7 know, on your next purchase of -- on your next 12:15:49

8 iCloud purchase, for example, that we -- we don't 12:15:53

9 want certain books in this purchase order to come 12:15:56

10 into the library. They have the ability to do 12:16:01

11 that. 12:16:04

12 Isn't that right? 12:16:04

13 A. Yeah. 12:16:05

14 MR. ROGERS: Objection; speculation, 12:16:05

15 misstates testimony, and assumes facts not in 12:16:10

16 evidence. 12:16:12

17 Q. (BY MR. GHOSH) You -- you could just 12:16:12

18 restate your answer. I don't know if that was 12:16:14

19 clear for the record. 12:16:16

20 A. Yes. I mean, they've got -- they can say 12:16:16

21 that. 12:16:19

22 Q. Okay. Do you know what the approximate 12:16:19

23 usage for OverDrive was, prior to its termination? 12:16:26

24 A. I don't, because I don't believe any of 12:16:34

25 numbers were correct. 12:16:35

1 Q. And why do you say the numbers -- well, 12:16:38
2 let's back up a little bit. 12:16:40
3 What -- what numbers are you referring to? 12:16:41
4 A. Trying to do the reports, and getting help 12:16:44
5 from the representatives, to figure that 12:16:48
6 information out, was very difficult. 12:16:53
7 Q. Uh-huh.
8 A. So, I don't know what the -- really, the 12:17:01
9 correct numbers were. 12:17:04
10 Q. Okay. In your estimation, was OverDrive a 12:17:04
11 popular service? 12:17:17
12 A. Yes. 12:17:20
13 Q. Okay. I want to just return to the e-mail 12:17:28
14 we were just looking at for a bit. 12:17:31
15 We talked a little bit about the library 12:17:32
16 advisory board's ability to tell you what to buy. 12:17:36
17 And in this instance, they were also telling you 12:17:41
18 what to remove from an existing purchase. 12:17:44
19 Is that right? 12:17:48
20 A. Yes. 12:17:49
21 Q. Okay. Going forward, if the library 12:17:50
22 advisory board continues to make removal decisions, 12:18:02
23 based on what they think people want, do you have 12:18:04
24 any recourse? 12:18:07
25 MR. ROGERS: Object to speculation. 12:18:14

1 A. Yes. 12:18:14

2 Q. (BY MR. GHOSH) And -- and what is that 12:18:18

3 recourse? 12:18:20

4 A. Well, I mean, they can tell me what they 12:18:20

5 like or don't like, but that doesn't mean I have to 12:18:26

6 do -- do that. 12:18:29

7 Q. Right. Right. So, if they ask for reports, 12:18:31

8 for example, you've been directed by Mr. Ron 12:18:36

9 Cunningham to provide those reports, as -- as one 12:18:41

10 of your priority items. 12:18:43

11 Isn't that right? 12:18:44

12 A. Yes. 12:18:44

13 Q. Okay. And so, similarly, if Mr. Cunningham 12:18:45

14 says that you have to, you know, listen to their 12:18:50

15 directives on book removals, would then you be 12:19:00

16 bound by that directive as well? 12:19:02

17 MR. ROGERS: Objection; speculation. 12:19:12

18 A. Yes. 12:19:13

19 Q. (BY MR. GHOSH) Okay. 12:19:15

20 THE REPORTER: I couldn't hear that 12:19:15

21 objection very well. 12:19:17

22 MR. ROGERS: I'm sorry. 12:19:17

23 Speculation. Calls for speculation. 12:19:18

24 Q. (BY MR. GHOSH) Okay. In this instance that 12:19:20

25 we're describing here, on April 13th, when you made 12:19:27

1 an iCloud purchase, and Ms. Wallace asked you to 12:19:30
2 remove certain books that were in the library's 12:19:33
3 collection after that purchase was made, in this 12:19:37
4 instance, did you actually remove the books 12:19:40
5 Ms. Wallace was requesting? 12:19:42

6 A. No. 12:19:43

7 Q. Okay. Was there a reason you didn't make 12:19:43
8 the removal she requested? 12:19:50

9 A. I didn't think it was needed. 12:19:51

10 Q. Okay. And just one more time, do you 12:19:52
11 remember what specific books? Was there a specific 12:19:57
12 list she provided you, like she did back in 12:19:59
13 November? 12:20:01

14 A. I -- I don't -- I don't recall. I don't 12:20:01
15 know if I ever got the list. I know that they were 12:20:08
16 talking about it, but I don't -- I don't remember. 12:20:11

17 Q. So she may have had a list, but are you 12:20:12
18 saying you never received it, or that you don't 12:20:16
19 remember receiving it? 12:20:18

20 A. I -- I don't remember receiving the list. I 12:20:19
21 know that they talked about it, that they had books 12:20:21
22 that they didn't like on the list, or wanted to 12:20:25
23 switch out. But... 12:20:31

24 Q. Ms. Wallace had previously stated an 12:20:32
25 objection to books about -- related to race and 12:20:35

1	LGBTQ issues.	12:20:39
2	Did she voice a similar concern with regard	12:20:41
3	to this purchase, in April of 2022?	12:20:44
4	A. No.	12:20:46
5	Q. What was the subject matter that she was	12:20:46
6	concerned about?	12:20:56
7	A. I'm not sure. They -- they just kept saying	12:20:57
8	the -- the demographic. They didn't think they	12:21:00
9	would get checked out.	12:21:02
10	Q. Right. So I guess I'm just looking for a --	12:21:02
11	a little bit of specifics here, with regard to what	12:21:06
12	you mean by the demographic, right. It's a -- it's	12:21:09
13	a fairly broad term.	12:21:11
14	So, was there something about the subject	12:21:12
15	matter of the books? Were they romance novels?	12:21:17
16	Were they fantasy novels? What kinds of books were	12:21:20
17	they that would cause the demographic at issue a	12:21:24
18	concern?	12:21:27
19	A. I'm not sure because it was a little of	12:21:27
20	everything. It was westerns, mysteries, romance, a	12:21:28
21	few biographies. Some of them were a few years	12:21:31
22	old, so they weren't the newest of the new. So	12:21:37
23	yeah, I'm not quite sure what their -- what their	12:21:40
24	reasonings were.	12:21:42
25	Q. Were there books in there that covered LGBTQ	12:21:43

1 issues? 12:21:47

2 A. I don't believe so. These were kind of all, 12:21:47

3 I think, just your -- oh, I don't know. It -- 12:21:55

4 it -- it was just kind of like the -- like I said, 12:22:07

5 just the -- you know, the James Patterson, you 12:22:10

6 know, just the -- the normal books that would have 12:22:13

7 been on everybody's lists. 12:22:15

8 Q. Okay. 12:22:16

9 A. But I don't remember any specific titles. 12:22:19

10 Q. Okay. Do you know what the TLA is? 12:22:21

11 A. Yes. 12:22:41

12 Q. What is the TLA? 12:22:42

13 A. Texas Library Association. 12:22:43

14 Q. And are you a member of the TLA? 12:22:45

15 A. I'm not this year. I -- we normally are, 12:22:46

16 yes. 12:22:52

17 Q. Okay. Is there a reason you're not a member 12:22:52

18 of the TLA this year? 12:22:54

19 A. I -- I just haven't gotten it all turned in 12:22:55

20 yet. 12:22:58

21 Q. Okay. So do you -- you intend on becoming a 12:22:58

22 member of the TLA. 12:23:01

23 Is that right? 12:23:02

24 A. Yes. 12:23:02

25 Q. Okay. Are all of the librarians, all the 12:23:03

1 full-time librarians, I should say, members of the 12:23:10
2 TLA? 12:23:12

3 A. If they want to be. 12:23:12

4 Q. Okay. 12:23:14

5 A. I ask them -- 12:23:14

6 Q. And to your knowledge, are they? 12:23:15

7 A. Yes, I think most of them are. 12:23:16

8 Q. Okay. And does the library have to do 12:23:18
9 anything special in order to be in the TLA? 12:23:22

10 A. No. 12:23:24

11 Q. Okay. Do they have to host any events? 12:23:28

12 A. No. 12:23:30

13 Q. Okay. Are there any benefits to -- on being 12:23:31
14 a TLA member? 12:23:34

15 A. Yes. 12:23:35

16 Q. Can you list some of the benefits? 12:23:35

17 A. You get discounts, when you go to 12:23:37
18 conferences, Webinars. You -- you have access 12:23:43
19 to -- to the representatives, to get help with 12:23:50
20 different things that you may come across. And you 12:23:52
21 get access to more continued education credits. 12:23:56

22 Q. Okay. And do they provide you with any 12:24:01
23 guidance on weeding methodology? 12:24:05

24 A. If you reach out to them, yeah, they -- they 12:24:10
25 will help you with different things. 12:24:16

1 Q. To your knowledge, you know, and in your 12:24:17
2 position as a library director, are you aware of 12:24:21
3 any other counties that had similar issues with 12:24:24
4 controversy about books? 12:24:29

5 A. No. 12:24:30

6 Q. Okay. 12:24:36

7 A. I'm sure there's some, but -- but no. 12:24:38

8 Q. Would the TLA be able to assist with how to 12:24:43
9 manage that situation, such as that, controversy 12:24:45
10 regarding certain books? 12:24:49

11 MR. ROGERS: Objection; calls for 12:24:51
12 speculation. 12:24:52

13 A. Probably, yes. 12:24:52

14 Q. (BY MR. GHOSH) Okay. I'm going to put up 12:24:55
15 an e-mail between yourself and Ms. Puryear, dated 12:25:07
16 November 19th, 2021. I believe this is Exhibit 12. 12:25:19

17 (Exhibit 12 is marked.) 12:25:24

18 Q. (BY MR. GHOSH) And the document number is 12:25:24
19 Milum 4 RFP-00621. 12:25:30

20 So, you know, as -- as with the other 12:25:41
21 documents, why don't you take a second, take a look 12:25:43
22 at this. As you can see, this is an e-mail from 12:25:45
23 yourself. Let me know if you recognize this 12:25:48
24 e-mail. 12:25:50

25 (The witness peruses the document.) 12:25:52

1 A. Okay. 12:26:24

2 Q. (BY MR. GHOSH) Miriam is a librarian that 12:26:25

3 works for you. 12:26:29

4 Is that right? 12:26:30

5 A. Yes. 12:26:30

6 Q. And she reached out to the TLA. 12:26:30

7 What did she reach out to them about 12:26:35

8 specifically? 12:26:41

9 A. I don't know exactly, because she did that 12:26:41

10 kind of on her own. 12:26:42

11 Q. Did you have any conversations with her, 12:26:43

12 after November 19, 2021, regarding the TLA 12:26:47

13 outreach? 12:26:51

14 A. I -- I don't believe so, because I don't 12:26:51

15 know whatever came of it. 12:26:55

16 Q. Okay. You -- you didn't follow up with her? 12:26:55

17 A. No. Or in -- she -- maybe she didn't hear 12:26:59

18 anything back, because she didn't tell me that she 12:27:03

19 did. 12:27:05

20 Q. Okay. Got it. 12:27:06

21 Have you received any guidance directly from 12:27:12

22 the TLA, regarding some of the book removal issues 12:27:19

23 that we were discussing here today? 12:27:25

24 A. No. 12:27:27

25 Q. Okay. If we can just quickly go back to one 12:27:27

1 of the topics we discussed earlier today, regarding 12:27:38
2 some of the books that -- regarding critical race 12:27:41
3 theory that you kept sort of be -- behind a desk 12:27:46
4 somewhere in the library. 12:27:49

5 Can you just briefly describe, was that -- 12:27:50
6 is that something like every librarian does, they 12:27:56
7 have certain books that they keep sort of in a more 12:27:58
8 private area? 12:28:00

9 A. I -- I don't really know about other 12:28:01
10 libraries. 12:28:06

11 Q. Let me just clarify that. I'm just talking 12:28:07
12 about the Llano County librarians. 12:28:10

13 A. Okay. I think each library has a -- has a 12:28:14
14 few like that. We even have some law books that 12:28:18
15 people can -- can use that they're kind of behind 12:28:21
16 the desk, and -- 12:28:25

17 Q. Is it because those books contain sensitive 12:28:26
18 topics, or why are they sort of not in sort of the 12:28:30
19 public shelf area? 12:28:35

20 A. I think it's also kind of to where nothing 12:28:36
21 is going to happen to it. No one is just going to 12:28:47
22 either write in it or -- or -- or just take it. 12:28:51

23 Q. Because after what Ms. Wells and 12:28:54
24 Ms. Schnieder did, with the fart and the butt 12:29:02
25 books, was there maybe a concern that other books 12:29:04

1 would be similarly tampered with? 12:29:06

2 A. I -- I think so. I think it kind of went 12:29:08

3 through our heads. 12:29:13

4 Q. Okay. And other than the -- the critical 12:29:14

5 race theory book, did -- did you take any steps to 12:29:18

6 prevent it -- some of the other books from being 12:29:22

7 tampered with, some of the other books on 12:29:25

8 Ms. Wallace's list? 12:29:27

9 A. No. Actually, the good part is that those 12:29:29

10 books started getting checked out a lot. 12:29:34

11 Q. Okay. With regard to the critical race 12:29:36

12 theory books, specifically, right, did you have 12:29:45

13 sort of a note, or a reminder, where the book 12:29:51

14 should have been on its shelf, that it would be 12:29:53

15 behind the desk, and that patrons can come see you 12:29:56

16 if they want to see a copy of that book? 12:29:59

17 A. I don't believe so. Because I think, if 12:30:01

18 people went onto the calendar -- or the catalog, 12:30:05

19 they would be able to see, and then ask us for it. 12:30:09

20 And then, if -- a lot of people just walk in 12:30:11

21 and ask us, sometimes without even going and 12:30:15

22 searching themselves, and so we would just be able 12:30:19

23 to get it for them. 12:30:20

24 Q. I see. So, I -- I guess what I'm trying to 12:30:21

25 understand is, if a patron wanted to check out 12:30:26

1 critical race theory, when it was behind that desk, 12:30:30
2 how would they know where the book was, without, 12:30:33
3 you know -- without directly coming up to you and 12:30:36
4 asking you? 12:30:38
5 A. I -- I guess if they didn't look on the -- 12:30:38
6 the catalog, and they didn't ask, then they 12:30:43
7 wouldn't know that we had it. 12:30:45
8 Q. Okay. Got it. Well, that makes sense. 12:30:47
9 Just one moment. 12:30:53
10 Are you familiar with Leila Green Little? 12:31:03
11 A. Yes. 12:31:10
12 Q. How about Kathy Kennedy? 12:31:10
13 A. Yes. 12:31:13
14 Q. Rebecca Jones? 12:31:14
15 A. Yes. 12:31:18
16 Q. Richard Day? 12:31:18
17 A. Yes. 12:31:19
18 Q. Cynthia Waring? 12:31:19
19 A. Yes. 12:31:22
20 Q. Diane Moster? 12:31:22
21 A. No. 12:31:26
22 Q. And what about Jean Puryear? 12:31:26
23 A. Yes. 12:31:31
24 Q. Do you understand that these are the 12:31:31
25 individuals that are serving as the Plaintiffs in 12:31:34

1 this lawsuit? 12:31:37

2 A. Yes. 12:31:37

3 Q. And it seems like you know these 12:31:37

4 individuals, other than Ms. Moster. 12:31:44

5 Is that right? 12:31:47

6 A. Yes. 12:31:48

7 Q. Okay. And have any of these individuals 12:31:48

8 asked you to check out some of the books that we 12:31:51

9 have been discussing today, some of the books on 12:31:53

10 Ms. Wallace's list? 12:31:55

11 A. I think so. 12:31:56

12 Q. Okay. And were they able to do so? 12:31:59

13 A. Some of them, yes. We -- we still have a 12:32:06

14 lot of the books still on our shelves. 12:32:09

15 Q. Which books are you referring to, 12:32:11

16 specifically? 12:32:13

17 A. The -- the list of Bonnie Wallace's. You 12:32:13

18 know, there's still some of those books on our 12:32:19

19 shelves. 12:32:22

20 Q. Got it. Got it. So, for example, if an 12:32:22

21 individual wanted to check out I Broke My Butt! for 12:32:27

22 example, would -- would they be able to do that? 12:32:32

23 A. No. 12:32:35

24 Q. What about some of the books we're 12:32:36

25 describing as like the fart books, for example? 12:32:39

1 A. No. 12:32:42

2 Q. Okay. Would they be able to check out -- 12:32:42

3 would they be able to check out, Caste: The Origins 12:32:51

4 of Our Discontent? 12:32:54

5 A. No. Because it's been weeded. 12:32:54

6 Q. Okay.

7 A. So it -- it doesn't even show up in our 12:33:00

8 system anymore. 12:33:01

9 Q. Got it. Got it. Okay. 12:33:02

10 I want to direct your attention -- were -- 12:33:06

11 were you asked -- or let me rephrase that. 12:33:10

12 You were asked by Plaintiffs, in -- in this 12:33:15

13 case, to answer certain interrogatories and 12:33:17

14 requests for admission. 12:33:22

15 Do you remember being asked to do that? 12:33:24

16 A. Could you say that again? 12:33:25

17 Q. Sure. You -- as a part of this litigation, 12:33:31

18 you were asked by Plaintiffs to answer certain 12:33:33

19 requests that are called interrogatories, or 12:33:36

20 requests for admission. Just asking if you recall 12:33:39

21 answering questions, you know -- 12:33:41

22 A. Yes. 12:33:43

23 Q. -- the Plaintiffs requested from you. 12:33:43

24 A. Yes. 12:33:45

25 Q. Okay. Okay. And without getting into any 12:33:46

1 communications, did you talk to anybody regarding 12:33:50
2 those requests? 12:33:53

3 A. Okay. Say that again. I'm sorry. 12:33:56

4 Q. Sure. Without getting into the substance of 12:34:03
5 any communications, did you talk to anybody 12:34:05
6 regarding Plaintiffs' interrogatories to you, or 12:34:09
7 requests for admission? 12:34:12

8 A. I -- I don't believe so. 12:34:15

9 Q. Okay. Were you shown a copy of those 12:34:16
10 requests? 12:34:21

11 A. I guess I'm confused about, like, what -- 12:34:22
12 what requests. It's -- 12:34:31

13 Q. Sure. We can pull them up. One second. I 12:34:33
14 believe this should be Exhibit 12. 12:34:37

15 THE REPORTER: 13. 12:34:43

16 MR. GHOSH: 13. Thank you. 12:34:44

17 (Exhibit 13 is marked.) 12:34:50

18 Q. (BY MR. GHOSH) So, as Exhibit 13, I'm 12:34:52
19 showing Defendants' Response to Plaintiffs' 12:35:17
20 Interrogatories to Defendant Amber Milum, set one. 12:35:19
21 And these are requests that were served to you, 12:35:31
22 Ms. Milum. 12:35:33

23 A. Okay.

24 Q. The date, I believe, should be somewhere on 12:35:33
25 this document. But it looks like you got -- you -- 12:35:35

1 your counsel served responses on June 22nd, 2022. 12:35:40

2 So last week. 12:35:45

3 A. Okay. 12:35:46

4 Q. I'm just asking if you've seen this 12:35:47

5 document. 12:35:49

6 A. Yes. 12:35:50

7 Q. That's it. Okay. 12:35:50

8 The first request reads: Identify any 12:35:55

9 materials that were restricted or removed from the 12:35:58

10 library system from June 2021, to present, that you 12:36:01

11 have reason to believe were restricted or removed 12:36:03

12 on the basis of inappropriate content. 12:36:06

13 You responded, the butt books and the fart 12:36:13

14 books, which we've already discussed, as well as In 12:36:17

15 the Night Kitchen, by Maurice Sendak. 12:36:20

16 Were there any other books, to your 12:36:23

17 recollection right now, that you had complaints 12:36:26

18 about inappropriate or offensive content? 12:36:29

19 A. No. 12:36:33

20 Q. Okay. We didn't talk about In the Night 12:36:38

21 Kitchen by Maurice Sendak specifically. So I 12:36:41

22 wanted to talk about that a little bit. 12:36:45

23 What was the primary complaint there? Was 12:36:45

24 it different than the butt and the fart books? 12:36:47

25 A. No. It was that he was naked throughout the 12:36:49

1 whole thing, and adults were -- were around. Just 12:36:54
2 like the -- the butt book. 12:37:01
3 Q. I see. And was In the Night Kitchen meant 12:37:02
4 for adults? 12:37:11
5 A. No. 12:37:11
6 Q. This was another children's book. 12:37:12
7 Is that right? 12:37:14
8 A. Yes. 12:37:14
9 Q. Okay. And these complaints were 12:37:15
10 principally -- were they by adults or were they 12:37:23
11 made by children? 12:37:25
12 A. Neither. 12:37:26
13 Q. So, who -- who made these complaints? 12:37:26
14 A. No one made a complaint about the book. It 12:37:28
15 was brought to our attention, when we were going 12:37:32
16 through everything, the -- the collection. 12:37:36
17 Q. And why was this book removed without any 12:37:38
18 complaints? 12:37:48
19 A. With everything that was going on and being 12:37:48
20 said, and us looking through our collection, about 12:37:59
21 all of the sexual content or nudity, that book just 12:38:06
22 kind of fell into the -- the nudity part. And so, 12:38:14
23 it was just being looked at more. 12:38:21
24 Q. And so, the major concern here was that you 12:38:23
25 really didn't want to incite any sort of 12:38:26

1 unnecessary controversy or backlash where you 12:38:30
2 didn't need to. 12:38:33
3 Is that right? 12:38:34
4 A. Right. 12:38:34
5 Q. Okay. So it was just kind of easier to just 12:38:35
6 remove these books -- this book specifically? 12:38:40
7 A. With -- with the content in it, and that it 12:38:43
8 was a very old book. Yes, it was getting checked 12:38:52
9 out. It was kind of worn. So that just kind of, 12:38:57
10 you know, went with it, for -- for me to -- to weed 12:39:02
11 it. 12:39:06
12 Q. Got it. I want to talk about -- actually, 12:39:06
13 let -- let's just go back to In the Night Kitchen 12:39:14
14 just very briefly. 12:39:18
15 Did you -- did you have, like, a record of 12:39:19
16 the book being worn? 12:39:22
17 A. No. It -- it's mainly when -- when we're 12:39:23
18 looking at them, assessing, you know, the whole 12:39:27
19 book. But it -- I -- I believe that book was added 12:39:31
20 in '99. So it did have some -- some wear on it. 12:39:34
21 Q. But it was -- it was still being checked 12:39:41
22 out, right -- 12:39:43
23 A. Yes. 12:39:43
24 Q. -- by -- by patrons? 12:39:43
25 A. Yes, it was. 12:39:44

1 Q. It was a popular book. 12:39:45

2 Was there any thought about maybe just 12:39:48

3 replacing it? 12:39:50

4 A. I -- I'm not sure if that was on my list or 12:39:50

5 not. 12:39:55

6 Q. Okay. 12:39:57

7 A. Possibly. 12:39:58

8 Q. Yeah. I just briefly want to go back to 12:39:59

9 November of 2021 now. You had received a sort of 12:40:03

10 directive, from commissioner -- or sorry, County 12:40:13

11 Judge Cunningham, as a result of the list that 12:40:17

12 Bonnie Wallace had circulated to him and others. 12:40:22

13 And you began what you describe as a compressive 12:40:25

14 review of books for depictions of nudity, and other 12:40:27

15 content like that. 12:40:30

16 Is that right? 12:40:30

17 A. Yes. 12:40:31

18 MR. ROGERS: Object as compound, 12:40:32

19 vague, misstating testimony. 12:40:33

20 Q. (BY MR. GHOSH) Okay. You said that you 12:40:38

21 conducted this review, with other individuals. 12:40:40

22 Is that right? 12:40:43

23 A. Yes. 12:40:44

24 Q. Okay. When you were conducting this review 12:40:44

25 of content, for things that may have been offensive 12:40:52

1 or sexual, who was with you? 12:40:54

2 A. It was the -- 12:40:55

3 MR. ROGERS: Object to the question 12:40:58

4 misstating testimony. 12:41:00

5 You can answer. 12:41:03

6 Q. (BY MR. GHOSH) Actually, let me just strike 12:41:04

7 that question very briefly. 12:41:07

8 When you were conducting this content 12:41:08

9 review, was -- and I may be mispronouncing the 12:41:10

10 name, so I apologize, was Tina Castelan with you? 12:41:13

11 A. Yes. 12:41:16

12 Q. Was Miriam E. with you? 12:41:17

13 A. Yes. 12:41:21

14 Q. Was April Puryear with you? 12:41:21

15 A. She was at the other library, so I wasn't 12:41:23

16 with her directly. 12:41:27

17 Q. Let me ask that slightly differently. 12:41:28

18 Was April Puryear conducting that review at 12:41:30

19 her branch, at Kingsland? 12:41:34

20 A. Yes. 12:41:35

21 Q. Okay. And was Jen Kormish conducting that 12:41:36

22 review, in Kingsland? 12:41:41

23 A. Yes. 12:41:42

24 Q. And was Melissa Macdougall conducting a 12:41:43

25 similar review, in Lakeshore? 12:41:49

1 A. Yes. 12:41:50

2 Q. And Linda Wallen was conducting a similar 12:41:51

3 review, in Lakeshore? 12:41:56

4 A. Yes. 12:41:57

5 Q. Was Bonnie Wallace in attendance, during 12:41:59

6 this review? 12:42:03

7 A. No. 12:42:04

8 Q. Was -- was Rhonda Schnieder in attendance, 12:42:04

9 during this review? 12:42:12

10 A. No. 12:42:12

11 Q. Were there any other individuals who did not 12:42:12

12 work for the library, in attendance, during this 12:42:15

13 review? 12:42:18

14 A. No. 12:42:19

15 Q. The only people in attendance, during all 12:42:19

16 portions of this review, and participating in this 12:42:23

17 review, were library staff members. 12:42:27

18 Is that correct? 12:42:30

19 A. Yes. 12:42:31

20 Q. Was -- was anybody observing you during this 12:42:31

21 process? 12:42:36

22 A. No. 12:42:36

23 Q. Okay. I am -- I want to go back very 12:42:37

24 briefly to some of the weeding process. 12:42:45

25 One of the things you mentioned is that when 12:42:49

1 you look at books to be weeded, you look to see if 12:42:52
2 they're worn. 12:42:55
3 Is that right? 12:42:56
4 A. Yes. 12:42:57
5 Q. And you also look to see how old the book 12:42:57
6 is. 12:43:02
7 Is that right? 12:43:02
8 A. Yes. 12:43:03
9 Q. And you also look to see when the last time 12:43:03
10 it was checked out. 12:43:06
11 Is that right? 12:43:07
12 A. Yes. 12:43:07
13 Q. Are you aware that the library carries 12:43:07
14 Mein Kampf? 12:43:14
15 A. I'm sorry? 12:43:15
16 Q. The book, Mein Kampf, your library carries a 12:43:17
17 copy of it. It was written by Adolf Hitler. 12:43:20
18 A. No. 12:43:24
19 Q. You're -- you're not aware of that? 12:43:25
20 A. No. 12:43:25
21 Q. Okay. Do you know if your library carries a 12:43:26
22 copy of the Bible? 12:43:32
23 A. I believe we do. 12:43:32
24 Q. Okay. Do you know how old your copy of the 12:43:35
25 Bible is? 12:43:40

1 A. No. 12:43:40

2 Q. Okay. Is it safe to say it's older than ten 12:43:42

3 years? 12:43:47

4 A. I -- I don't know. We get donations, and 12:43:47

5 sometimes we will add books that are in better 12:43:51

6 shape on our shelves, and -- and replace them. So 12:43:54

7 I'm -- I don't know. 12:43:56

8 Q. Okay. When you -- when you do this holistic 12:43:57

9 weeding process, are you looking at sort of a 12:44:14

10 checklist, or are you just sort of making this 12:44:23

11 decision, based on how, you know, you feel about 12:44:25

12 the book in the moment, and what it looks like, and 12:44:27

13 the data behind how many times it's been checked 12:44:31

14 out? 12:44:33

15 A. Yeah, it's what it looks like; how many 12:44:36

16 times it's been getting checked out; if it's, you 12:44:38

17 know, in a series. If we get donations of that 12:44:42

18 book a lot, then we will probably just put it 12:44:48

19 aside, and then swap it out when we get a donation. 12:44:52

20 Or if it's even a real popular book that is 12:44:55

21 getting checked out, but maybe it's really worn, 12:44:59

22 then we'll put it on a list, to -- to replace it. 12:45:01

23 Q. Got it. Got it. 12:45:03

24 The books you do look at, the books you sort 12:45:13

25 of target for review, how is that determined, 12:45:17

1 outside of, you know, Ms. Wallace providing you a 12:45:24
2 list? 12:45:27

3 When you go to, you know, determine which 12:45:28
4 books you're going to take a look at this year for 12:45:29
5 weeding, how are you going to make that 12:45:32
6 determination? 12:45:33

7 A. Other staff members, or managers, will run 12:45:34
8 the report. Me, personally, I like to go to the 12:45:42
9 section, and start at the A's, and just pull one 12:45:46
10 book at a time, open it up, kind of look at it, 12:45:50
11 make sure the pages are -- are still there. And 12:45:53
12 just to check, you know, if it's still in good 12:45:57
13 shape, and if it's been checked out. 12:46:01

14 Q. Got it. Got it. 12:46:04

15 About how long does this full process take, 12:46:08
16 this full review of every book, for weeding 12:46:11
17 purposes? 12:46:16

18 A. It -- it also depends, because, since we do 12:46:16
19 this every year, we may do -- focus on one section, 12:46:21
20 and, like, okay, we're really going to weed this, 12:46:26
21 and then we're going to start purchasing more books 12:46:28
22 this year for this section. 12:46:30

23 So you may not need to weed intensely every 12:46:31
24 section, every year. 12:46:36

25 Could you repeat your question? 12:46:43

1 Q. No. That -- I think you got it, actually. 12:46:43
2 I appreciate it. 12:46:46
3 I just wanted to get back, strangely, to the 12:46:49
4 butt and the fart books very briefly. And I'm 12:46:54
5 actually taking a look at your -- your very 12:46:58
6 intuitive, actually, catalog right now in front of 12:47:00
7 me. 12:47:03
8 And I'm just going to share my screen, and 12:47:03
9 we can both look at that catalog together. 12:47:06
10 So, you mentioned one of the main reasons 12:47:09
11 you pulled these books is because you had 12:47:15
12 conversations with Mr. Cunningham, correct? 12:47:22
13 A. I did have -- 12:47:25
14 Q. You had conversations with Mr. Jerry Don 12:47:27
15 Moss, correct? 12:47:31
16 A. Yes. 12:47:32
17 Q. And you determined that keeping these books 12:47:32
18 would not be worth the backlash and outrage caused 12:47:36
19 by the content of the books. 12:47:41
20 Is that right? 12:47:42
21 A. Right. 12:47:43
22 Q. Okay. Now, in 1941, Adolf Hitler published 12:47:44
23 his memoir, and sort of ideology, for lack of a 12:47:55
24 better term. I just looked up this book. Arguably 12:48:01
25 one of the most controversial books of all time, I 12:48:07

1 would say. And it looks like the Llano County 12:48:11

2 Library keeps a copy, at 943.086 HIT. 12:48:16

3 Do you see that on the screen? 12:48:20

4 A. I do. 12:48:22

5 Q. It looks like there's actually one copy 12:48:25

6 available right now at the Llano Branch. 12:48:28

7 Do you see that? 12:48:32

8 A. Yes. 12:48:33

9 Q. Is there any reason why a book such as this 12:48:33

10 wouldn't be weeded, when you conducted your 12:48:44

11 holistic review for, you know, things that may 12:48:46

12 cause backlash, or that may cause issues? 12:48:48

13 MR. ROGERS: Objection. That 12:48:56

14 misstates testimony, and calls for speculation. 12:48:56

15 A. No. If -- if this is getting checked out, 12:48:58

16 then there's -- there's nothing else to really look 12:49:03

17 at, as long as it's still in, you know, decent 12:49:10

18 shape. 12:49:13

19 Q. (BY MR. GHOSH) And if it wasn't -- so this 12:49:14

20 is quite an old book. If it wasn't in decent 12:49:16

21 shape, would you re-buy a copy of this? 12:49:20

22 A. It depends on how much it's getting checked 12:49:22

23 out. If it's getting checked out a couple of times 12:49:24

24 a month, each month, then I probably would, because 12:49:27

25 people are -- are reading it. If it's only getting 12:49:32

1 checked out once a year, or so, then -- then I 12:49:35
2 probably wouldn't. It would have just served its 12:49:40
3 time, and then gotten something different. 12:49:43
4 Q. Okay. Do you think a lot of folks in Llano 12:49:45
5 County are regularly checking out Mein Kampf? 12:49:50
6 A. I -- I don't know. 12:49:55
7 Q. It's certainly possible that it's not 12:49:55
8 being -- 12:49:58
9 A. I'd have to look at the report. 12:49:58
10 Q. -- it's not getting checked out frequently, 12:50:02
11 right? 12:50:06
12 A. I -- I don't know. And with our non-fiction 12:50:06
13 section, they do stay on the shelves a lot longer 12:50:09
14 than the fiction, because they actually don't 12:50:11
15 circulate as often, anyway. 12:50:15
16 Q. And Caste: The Origins of Our Discontents, 12:50:18
17 certainly an example of a non-fiction book that was 12:50:20
18 weeded, despite, you know, being a non-fiction 12:50:24
19 book. 12:50:27
20 Isn't that right? 12:50:28
21 A. Right. 12:50:28
22 MR. GHOSH: Okay. Let's -- let's 12:50:31
23 take a five-minute break. I'll be back. I'm 12:50:35
24 wrapping up. So, it shouldn't be much more. 12:50:37
25 Dwain, did you -- did you have a 12:50:41

1 redirect, just for planning purposes? 12:50:42

2 MR. ROGERS: I'm not planning to ask 12:50:44

3 any questions, no. 12:50:45

4 MR. GHOSH: And, Mr. Mitchell, I 12:50:47

5 don't know if we still have you, but were you 12:50:49

6 planning on asking question? 12:50:51

7 MR. MITCHELL: No, I was not. 12:50:51

8 MR. GHOSH: Okay. Thank you. We'll 12:50:53

9 be back in five. 12:50:54

10 THE VIDEOGRAPHER: Going off the 12:50:55

11 record at 12:50. 12:50:57

12 (Break.) 13:03:28

13 THE VIDEOGRAPHER: We're back on the 13:03:28

14 record at 1:03. 13:03:37

15 Q. (BY MR. GHOSH) Great. Ms. Milum, I wanted 13:03:38

16 to thank you for being patient with me in this 13:03:40

17 process. This is the last sort of stretch of 13:03:44

18 questions. 13:03:46

19 The -- the first one is just about some of 13:03:48

20 the books that we spoke about, where you or other 13:03:50

21 librarians on your staff would sort of keep them 13:03:55

22 behind your desk, or elsewhere, sort of away from 13:03:58

23 the shelf area. 13:04:01

24 Books that, you know, were kept in this way, 13:04:02

25 was there, like, a list of them so you could keep 13:04:06

1 track of, you know, what was behind the desk? 13:04:08

2 A. No. 13:04:11

3 Q. Okay. Do you just remember, you know, from 13:04:11

4 memory, which books were kept behind the desk? 13:04:15

5 A. I believe that's the only one, right now. 13:04:18

6 Q. Was -- 13:04:22

7 A. Besides our -- 13:04:24

8 Q. -- critical race theory? 13:04:24

9 A. Yes. Besides our -- our law books. 13:04:30

10 Q. So besides the law books -- 13:04:32

11 MR. ROGERS: Just for the record, 13:04:34

12 Counsel, I think it's -- it's How to Be an 13:04:35

13 Antiracist. Is that -- just the title? 13:04:37

14 Q. (BY MR. GHOSH) Let's -- it's -- it's a good 13:04:39

15 question. 13:04:41

16 So, what was the title of the -- the 13:04:41

17 critical race theory book? 13:04:43

18 A. I'm not quite sure. I would have to look it 13:04:44

19 up. 13:04:50

20 Q. Was it -- was it How to Be an Antiracist, or 13:04:50

21 was it another book? 13:04:52

22 A. I -- I think it's Antiracist. I'm -- I 13:04:53

23 would have to check. 13:04:58

24 Q. Okay. 13:05:00

25 A. I'm -- I'm not sure. 13:05:01

1 Q. Okay. That's fine. 13:05:01

2 So besides that book, some of the law books 13:05:02

3 that you had, were there any other books that you 13:05:04

4 sort of kept behind your desk? 13:05:06

5 A. No. 13:05:08

6 Q. Okay. 13:05:12

7 A. And that's at the circulation desk, so it's 13:05:13

8 very easy for it to be asked for and to hand out. 13:05:20

9 Q. And where is the circulation desk? Like -- 13:05:22

10 A. It's pretty much in the front door of all 13:05:26

11 three libraries. 13:05:28

12 Q. Okay. The last two exhibits, I believe, are 13:05:29

13 going to be Nos. 14 and 15. Okay. Awesome. 13:05:32

14 The -- No. 14 will be Moss 1 RFP 00007. 13:05:41

15 (Exhibit 14 is marked.) 13:05:53

16 Q. (BY MR. GHOSH) I'm going to put that up 13:05:53

17 right now. This is an e-mail, Ms. Milum, from 13:05:55

18 yourself, to Jerry Don Moss, December 29, 2021. 13:05:59

19 It attaches a form. The form title is, 13:06:04

20 Request For Reconsideration of a Library Resource. 13:06:09

21 Did you create this document? 13:06:13

22 A. Yes. 13:06:15

23 Q. And what is this document? 13:06:15

24 A. So if anyone is having an issue, or concern, 13:06:17

25 about an item in the library, they can fill out 13:06:23

1 this form. And then we can -- we can discuss it. 13:06:25

2 Q. And when did you have the idea to come up 13:06:29

3 with this form? 13:06:34

4 A. When everything started happening. 13:06:34

5 Q. When you say everything, do you mean when 13:06:37

6 people started complaining about the butt and the 13:06:40

7 fart books -- 13:06:43

8 A. Yes. 13:06:44

9 Q. -- or something else? 13:06:44

10 Okay. How many complaints did you 13:06:46

11 receive -- how many complaints did you receive for, 13:06:52

12 you know -- pursuant to this request form? 13:06:57

13 A. Before the -- the butt and fart books, we've 13:07:01

14 never had anybody, to my knowledge, complain about 13:07:06

15 anything, suggest they didn't like something. 13:07:11

16 If they did, it -- it would be more of, oh, 13:07:17

17 I didn't like this movie, or didn't really like 13:07:22

18 this book. And then we would just, okay, well, try 13:07:24

19 this one. 13:07:27

20 They -- 13:07:28

21 Q. Do you have copies of these forms? Like, 13:07:31

22 when you get complaints and somebody turns one of 13:07:33

23 these forms in to you, these Reconsideration of a 13:07:35

24 Library Resource forms, do you -- do you keep them 13:07:39

25 for your records? 13:07:41

1 A. Yes, I will. 13:07:41

2 Q. Okay. And just approximately, how many have 13:07:42

3 you received in the -- in the last year? 13:07:45

4 A. I believe three, since the form has been 13:07:47

5 made available. 13:07:56

6 Q. And do you remember what -- do you remember 13:07:57

7 what books or content those three requests concern? 13:08:03

8 A. I don't. It has been a few months. And the 13:08:09

9 books and the papers are still in the office. 13:08:12

10 We -- we haven't even done the procedure yet. 13:08:19

11 Q. And could you describe that procedure very 13:08:21

12 briefly? 13:08:24

13 What happens after somebody submits one of 13:08:24

14 these -- or what's supposed to happen, I guess? 13:08:26

15 A. We are supposed to read the book, see if it 13:08:28

16 follows our policies, read from the form of what 13:08:35

17 their concern is about, what it's pertaining to. 13:08:43

18 And then go about and see if, you know, we think 13:08:48

19 that it should either be moved, or -- or if there's 13:08:50

20 anything -- yeah, removed, or relocated, or, you 13:08:53

21 know, there's not an issue. We would decide -- 13:09:01

22 Q. Okay. 13:09:06

23 A. -- what to do. 13:09:06

24 Q. And is this a separate -- is this a separate 13:09:07

25 mechanism, to the weeding process? 13:09:10

1 A. Yes. Because this is if someone has an 13:09:12
2 issue with -- with something. 13:09:16
3 Q. With, like, the content, or -- or the 13:09:17
4 viewpoint of a book. 13:09:19
5 Is that right? 13:09:20
6 A. Yes. 13:09:20
7 Q. If they find it offensive or something. 13:09:21
8 Okay. 13:09:24
9 A. Right. 13:09:24
10 Q. And who does the reading? Is that you, or 13:09:24
11 one of your staff members, or is it the library 13:09:28
12 advisory board? 13:09:32
13 A. It would be myself and another staff member, 13:09:32
14 to where, you know, if it's a children's book, then 13:09:35
15 I'd probably get a children's librarian to -- to 13:09:39
16 read it as well. If it's -- you know, it -- 13:09:41
17 depending on what -- what type of book it is. 13:09:43
18 Q. Got it. And do you know the identities of 13:09:44
19 the individuals who have submitted these three 13:09:51
20 complaints? 13:09:53
21 A. I know -- I remember one person. 13:09:54
22 Q. And who is that individual? 13:10:01
23 A. Kris Jones, I believe. 13:10:03
24 Q. Do you know who Mr. Jones is? 13:10:11
25 A. She's a patron. 13:10:13

1 Q. Oh, okay. Got it. 13:10:16

2 Is she involved in -- in the library's 13:10:17

3 management in any way, or -- 13:10:19

4 A. No. 13:10:20

5 Q. -- the advisory board? 13:10:20

6 A. No. 13:10:21

7 Q. Okay. Got it. 13:10:22

8 Okay. The -- the last exhibit, Exhibit 13:10:28

9 No. 15, is going to be the Llano Library's System 13:10:29

10 Policies. 13:10:36

11 (Exhibit 15 is marked.) 13:10:36

12 Q. (BY MR. GHOSH) Are you familiar with this 13:10:37

13 document? I know I'm just showing you the title, 13:10:38

14 but I just wanted to ask if you're familiar with 13:10:40

15 the policies, just in general. 13:10:42

16 A. Yes. 13:10:43

17 Q. Okay. And what do they govern? 13:10:43

18 A. How the library should be ran. 13:10:45

19 Q. Okay. Have -- has this policy -- have 13:10:52

20 this -- has this policy guidebook been in effect 13:11:02

21 since 2006? 13:11:04

22 A. Yes. 13:11:05

23 Q. Is it still in effect? 13:11:05

24 A. Yes. 13:11:08

25 Q. Okay. Are there any other policies, besides 13:11:09

1 this one, that govern sort of the -- the Llano 13:11:18
2 Library System? 13:11:27
3 A. For the library, no. I believe this -- this 13:11:27
4 is the main one. 13:11:31
5 Q. This is the main one. Okay. 13:11:32
6 Are you familiar with -- and I'm -- I'm 13:11:35
7 going now to page 18 of the policy handbook. It's 13:11:38
8 titled, Materials Selection Policy. 13:11:45
9 Are you familiar with this document? 13:11:47
10 A. Yes. 13:11:48
11 Q. Okay. I just want to direct your attention 13:11:48
12 to two sections here. The first is, goals of media 13:11:52
13 collection, which states that: To maintain a 13:11:55
14 well-balanced and broad collection of materials for 13:11:58
15 information, reference, research, and enjoyment, 13:12:00
16 and to support the democratic process by providing 13:12:04
17 materials for the education and enlightenment of 13:12:07
18 the community. 13:12:10
19 Do you see those two goals? 13:12:11
20 A. Yes. 13:12:13
21 Q. Okay. Do you agree that those are, in fact, 13:12:13
22 the goals of the library? 13:12:16
23 A. Yes. 13:12:18
24 Q. Okay. The next general principle that, you 13:12:19
25 know, we have highlighted here is, quote: In no 13:12:28

1 case, should any book be excluded because of the 13:12:31
2 race or nationality or political or religious views 13:12:33
3 of the writer. There should be the fullest 13:12:37
4 practicable provision of material presenting all 13:12:41
5 points of view concerning the problem and issue of 13:12:43
6 our times. 13:12:46
7 Do you see that? 13:12:46
8 A. Yes. 13:12:46
9 Q. Do you agree with that principle? 13:12:47
10 A. Yes. 13:12:48
11 Q. Do you -- if somebody has an issue with a 13:12:48
12 book's -- the race or nationality of a book's 13:12:58
13 author, and they complained about the content of 13:13:02
14 that book, using one of your reconsideration forms, 13:13:04
15 do you then have to review that reconsideration 13:13:10
16 form, and consider that request to remove the book? 13:13:12
17 MR. ROGERS: Object as compound, and 13:13:16
18 vague. 13:13:17
19 Q. (BY MR. GHOSH) You can answer the question. 13:13:22
20 A. I would -- I would look at their concern. 13:13:24
21 And -- but no, just because they -- they fill out a 13:13:26
22 form doesn't mean that, you know, the book would be 13:13:31
23 removed, or relocated. 13:13:34
24 It could just be to where, you know, it's -- 13:13:36
25 we don't agree with what they're seeing. We don't 13:13:40

1 agree that -- or maybe our policies, you know, 13:13:43
2 don't -- you know, don't follow what -- what 13:13:46
3 they're thinking. 13:13:52

4 It -- it would just kind of depend on the 13:13:53
5 situation. 13:13:56

6 Q. Okay. I just wanted to direct you to the 13:13:57
7 last paragraph, or bullet point, I guess, of 13:14:00
8 page 18, which just says: Materials with an 13:14:03
9 emphasis on sex or containing profane language 13:14:06
10 should not be automatically rejected. Selection 13:14:09
11 should be made on the basis of whether the media 13:14:12
12 presents life in its true proportions, whether 13:14:15
13 characters and situations are realistically 13:14:18
14 presented, and whether the media has literary 13:14:21
15 value. 13:14:24

16 Do you see that? 13:14:25

17 A. Yes. 13:14:25

18 Q. Some of the books that were removed this 13:14:25
19 past year were done so under Mr. Cunningham's 13:14:32
20 direction. 13:14:40

21 Isn't that right? 13:14:44

22 A. No. 13:14:45

23 Q. Mr. Cunningham suggested that you remove 13:14:51
24 some books. 13:14:53

25 Isn't that right? 13:14:55

1	A. Yes.	13:14:55
2	Q. And he suggested that you remove books that	13:14:55
3	have depictions of sexuality.	13:14:58
4	Isn't that right?	13:15:04
5	A. Yes.	13:15:04
6	Q. How does that -- how does that -- actually,	13:15:06
7	scratch that for a second.	13:15:18
8	But the -- the policies at the li --	13:15:19
9	actually, I'm going to scratch that as well.	13:15:21
10	Let's just, for a moment, go back one	13:15:23
11	second, to the reconsideration forms.	13:15:26
12	Can you access the -- the three complaints	13:15:35
13	that have been submitted?	13:15:38
14	A. Not at the moment, but yes.	13:15:39
15	Q. Just in your -- in your job?	13:15:45
16	A. Yes.	13:15:47
17	Q. Okay.	13:15:47
18	A. Yes.	13:15:48
19	Q. Did you collect them as part of the -- the	13:15:48
20	document process, the documents you -- you had to	13:15:51
21	turn over?	13:15:55
22	A. No.	13:15:55
23	Q. Okay. But -- but you still have copies	13:15:56
24	of -- of those forms.	13:16:01
25	Is that right?	13:16:02

1	A. Yes.	13:16:02
2	Q. In your possession. Okay.	13:16:02
3	MR. GHOSH: I think, in addition to	13:16:08
4	the -- the first document request, we're going to	13:16:08
5	ask for the -- the completed reconsideration forms.	13:16:11
6	Dwain, I'm happy to -- to let you	13:16:17
7	get your response in.	13:16:19
8	But besides that, that concludes my	13:16:20
9	questioning. Thank you so much, Ms. Milum. I	13:16:22
10	really appreciate it.	13:16:24
11	MR. ROGERS: And -- and regarding my	13:16:27
12	response, I think, subject to taking a look at	13:16:29
13	them, I -- I actually don't think we have too much	13:16:31
14	objection to producing them.	13:16:34
15	MR. GHOSH: Okay. Great. Well,	13:16:37
16	that wraps this up. I think we can get off the	13:16:40
17	record. And...	13:16:43
18	THE VIDEOGRAPHER: Before we do	13:16:47
19	that, can we quick go over the video and transcript	13:16:50
20	orders?	13:16:52
21	MR. GHOSH: Sure. I think we'll	13:16:53
22	want expedited roughs. And then do we have an	13:16:56
23	estimate on when finals will be available?	13:16:59
24	THE REPORTER: Approximately two	13:17:04
25	weeks.	13:17:05

1 MR. GHOSH: I -- I -- I think we're 13:17:07
2 fine on normal order finals, unless I get yelled at 13:17:08
3 in the very near future. But I think we're good on 13:17:11
4 the normal timing final and the expedited roughs. 13:17:15
5 THE REPORTER: And, Mr. Rogers, do 13:17:19
6 you want a copy? 13:17:21
7 MR. ROGERS: Let me answer, based on 13:17:21
8 recent experience in other depositions, that since 13:17:27
9 I have not yet submitted a purchase order for them, 13:17:29
10 I'm not going to formally request one. I would 13:17:33
11 probably suggest that Mr. Miller suggest one and 13:17:36
12 put it on his bill to us. 13:17:39
13 Is that fair? Says the man who got 13:17:42
14 burned by not submitting a purchase order before 13:17:45
15 ordering a copy in a prior deposition. 13:17:47
16 Or excuse me. I said Miller. I 13:17:50
17 meant Mitchell. I apologize. Sorry, John. 13:17:52
18 MR. MITCHELL: That's all right. 13:17:55
19 THE VIDEOGRAPHER: Okay. Any -- any 13:17:59
20 video orders, or does that cover it? 13:18:03
21 MR. ROGERS: I don't believe we 13:18:04
22 would need video. 13:18:05
23 MR. GHOSH: Yep. I think it's just 13:18:06
24 us, then. 13:18:07
25 THE REPORTER: Mr. Mitchell, did you 13:18:10

1 want to order a copy? 13:18:13

2 MR. MITCHELL: I'm sorry. Did you 13:18:14

3 ask me if I want to order a copy? 13:18:16

4 THE REPORTER: Yes. 13:18:18

5 MR. GHOSH: A copy of the 13:18:18

6 transcript. 13:18:19

7 MR. MITCHELL: I don't need to order 13:18:19

8 one. 13:18:21

9 MR. ROGERS: John, let me suggest 13:18:23

10 that you do, because my ability to do so, before I 13:18:24

11 submit a purchase order, would slow things down. 13:18:26

12 Whereas, if you order it, and put it on your bill, 13:18:28

13 if you -- if you don't feel like we need one, then 13:18:31

14 that's fine. But -- 13:18:35

15 MR. MITCHELL: I'm sorry. We -- we 13:18:36

16 do need one. I was assuming that the County was 13:18:36

17 going to -- had already -- 13:18:38

18 MR. ROGERS: Yeah, sorry. I just -- 13:18:39

19 yeah. I've been burned by that before, and it's 13:18:41

20 hard to get a purchase order, in a timely manner, 13:18:43

21 before the invoice arrives. And if they go out of 13:18:45

22 order, I get in trouble. So... 13:18:48

23 MR. MITCHELL: Sure. I'm sorry, 13:18:51

24 Ms. Prigmore. You can put it on my law firm's 13:18:53

25 credit card. And I can give that to you, if 13:18:55

1 needed. 13:18:57

2 THE REPORTER: We'll take that up 13:18:57

3 with the office. 13:19:00

4 MR. MITCHELL: Okay. Great. 13:19:01

5 Thanks. 13:19:02

6 THE VIDEOGRAPHER: Okay. If there 13:19:02

7 is nothing else to cover, then we are going off the 13:19:05

8 record at 1:19 p.m. 13:19:07

9 THE REPORTER: Mr. Mitchell, would

10 you like a rough draft, as well? 13:19:18

11 MR. MITCHELL: Let's order a rough 13:19:18

12 draft, too. 13:19:19

13 (The deposition concluded at 1:19

14 P.M.)

15

16 -- SIGNATURE REQUIRED --

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AMBER MILUM

THE STATE OF TEXAS)

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned
authority, by the said AMBER MILUM on this the
_____ day of _____, _____.

Notary Public in and for
the State of Texas

My Commission Expires: _____

1 COUNTY OF HARRIS

2 STATE OF TEXAS

3
4 REPORTER'S CERTIFICATE

5
6 I, AMY PRIGMORE, Certified Shorthand
7 Reporter in and for the State of Texas, hereby
8 certify that this transcript is a true record of
9 the testimony given remotely by the witness named
10 herein, after said witness was duly sworn remotely
11 by me.

12 I further certify that the deposition
13 transcript was submitted on _____,
14 _____ to the witness or to the attorney for the
15 witness for examination, signature, and return to
16 me by _____.

17 I further certify the amount of time used
18 by each party at the deposition is as follows:

19 Pratik Ghosh - (00h00m)

Dwain K. Rogers - (00h00m)

20 Jonathan F. Mitchell - (00h00m)

Landon A. Wade - (00h00m)

21
22 I further certify that I am neither
23 attorney nor counsel for, related to, nor employed
24 by any of the parties to the action in which this
25 testimony was taken. Further, I am not a relative

1 or employee of any attorney of record in this
2 cause, nor do I have a financial interest in the
3 action.

4 SUBSCRIBED AND SWORN TO by the undersigned
5 on this the 5TH day of JULY, 2022.

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AMY PRIGMORE, Texas, CSR 3929

15 Expiration Date: 4/30/2023
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Dwain K. Rogers

drogers@co.llano.tx.us

JULY 5, 2022

RE: LITTLE V. LLANO COUNTY

JUNE 28, 2022, AMBER MILUM, JOB NO. 5299876

The above-referenced transcript has been completed by Veritext Legal Solutions and review of the transcript is being handled as follows:

___ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext to schedule a time to review the original transcript at a Veritext office.

___ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF Transcript - The witness should review the transcript and make any necessary corrections on the errata pages included below, notating the page and line number of the corrections. The witness should then sign and date the errata and penalty of perjury pages and return the completed pages to all appearing counsel within the period of time determined at the deposition or provided by the Code of Civil Procedure.

___ Waiving the CA Code of Civil Procedure per Stipulation of Counsel - Original transcript to be released for signature as determined at the deposition.

___ Signature Waived - Reading & Signature was waived at the time of the deposition.

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1 __X__ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF

2 Transcript - The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.

9 ___ Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.

1 LITTLE V. LLANO COUNTY

2 AMBER MILUM (#5299876)

3 E R R A T A S H E E T

4 PAGE_____ LINE_____ CHANGE_____

5 _____

6 REASON_____

7 PAGE_____ LINE_____ CHANGE_____

8 _____

9 REASON_____

10 PAGE_____ LINE_____ CHANGE_____

11 _____

12 REASON_____

13 PAGE_____ LINE_____ CHANGE_____

14 _____

15 REASON_____

16 PAGE_____ LINE_____ CHANGE_____

17 _____

18 REASON_____

19 PAGE_____ LINE_____ CHANGE_____

20 _____

21 REASON_____

22 _____

23 _____

24 WITNESS _____ Date _____

25

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

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